



SESSIONAL PAPER No. 1 - 2000

**REPORT OF THE COMMISSION OF
INQUIRY INTO THE ESTABLISHMENT
AND MAINTENANCE OF PLACES OF
UNLAWFUL DETENTION AND
TORTURE CHAMBERS AT THE
BATALANDA HOUSING SCHEME**

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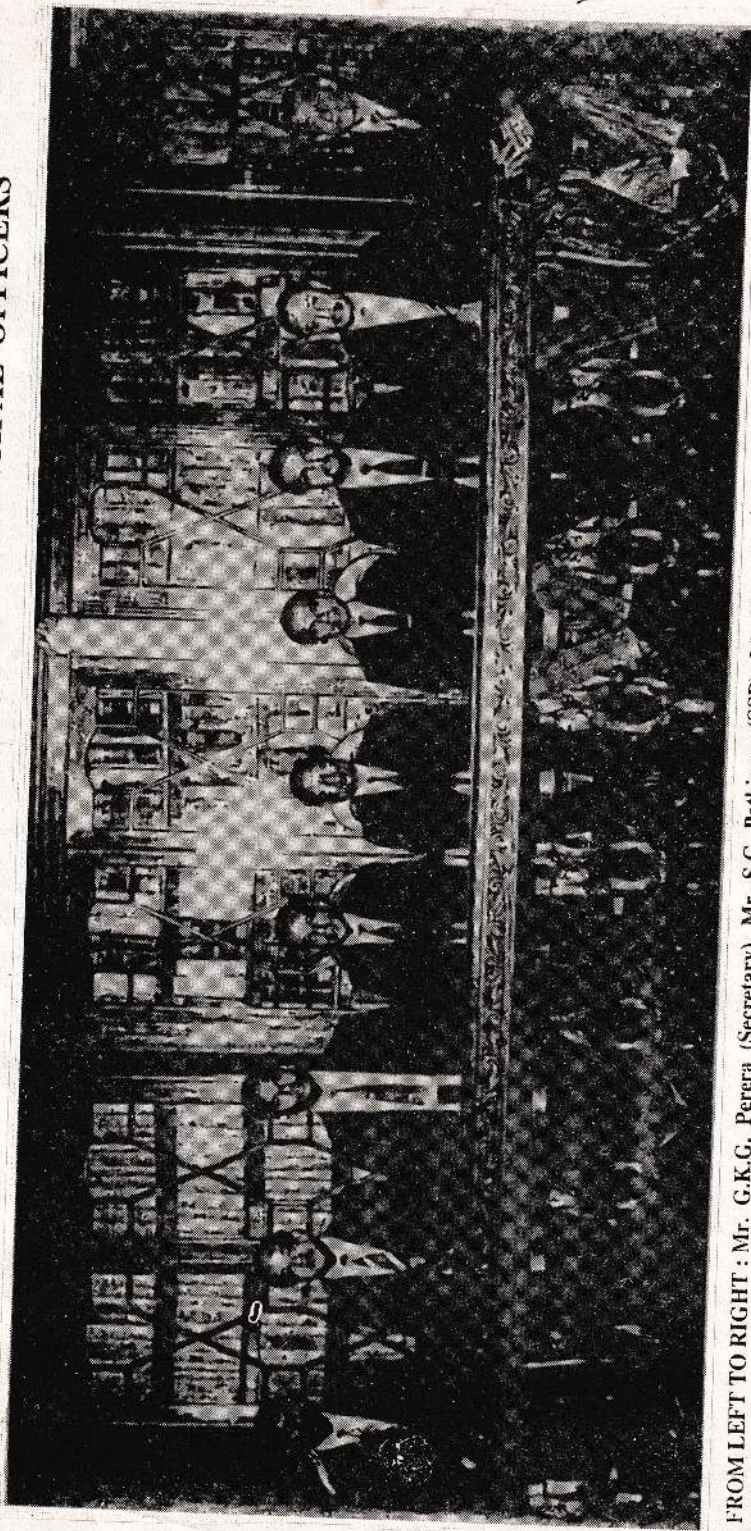
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THE PRESIDENTIAL COMMISSION AND ITS PRINCIPAL OFFICERS



FROM LEFT TO RIGHT : Mr. G.K.G. Perera (Secretary), Mr. S.C. Pathirana (SSP), Mr. Yasantha Kodagoda (State Counsel), Mr. R.I. Obeyesekere P.C., Hon. Justice D. Jayawickrama (Judge of the Court of Appeal - Chairman), Hon. N.E. Dissanayake (Judge of the High Court - Member), Mr. Sarath Jayamanne (State Counsel), Mr. T.V. Sumanasekara (D.J.G.), Mr. H.H.M.R. Premaratne (SP)

Mr. C. M. Iqbal

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CHAPTER I

MATTERS OF RECORD

Your Excellency was pleased to appoint this Commission in terms of section 2 of the Commissions of Inquiry Act No. 17 of 1948 as amended by Nos. 8 of 1950, 40 of 1953, 8 of 1955 and 29 of 1955, to inquire and report on the matters stated in the Warrant dated 21st September 1995. Having regard to the wider ramifications of the matters in respect of which the relevant inquiry had to be conducted, on the 15th of December 1995, Your Excellency was pleased to rescind the aforementioned Warrant and promulgate a new Warrant dated the 15th of December 1995. Contents of this Warrant was subsequently gazetted in the Government Extraordinary Gazette dated 19th December 1995, bearing number 902/8. (Annex A, A1 and A2)

According to the original Warrant, the Commission was required to conclude the inquiry and present the Report of the Commission by the 20th of September 1995. However, as mentioned above, by the 15th of December 1995, Your Excellency was pleased to promulgate a fresh Warrant. According to that Warrant, this Commission was required to conclude the inquiry and present the Report by the 14th of March 1996. However, having regard to the complexity of the matters in respect of which the Commission was required to inquire into, and having considered a host of other reasons, Your Excellency was pleased to extend the period granted to the Commission on twelve (12) occasions. The relevant extensions were granted with effect from 13th March 1996, 29th May 1996, 10th September 1996, 14th December 1996, 13th February 1997, 5th March 1997, 14th May 1997, 11th July 1997, 12th September 1997, 13th November 1997, 31st December 1997 and 28th January 1998. According to the final extension granted, this Commission was required to present the Report to Your Excellency by the 26th March 1998.

According to the Warrant dated 15th December 1995, this Commission was required to inquire into and report on the following :

- (a) The circumstances relating to the disappearance of Sub-Inspector of Police Rohitha Priyadarshana, on or about the 20th February 1990, and those responsible for the said disappearance,
- (b) The circumstances relating to the arrest and detention of Sub-Inspector of Police Ajith Jayasinghe, on or about the 24th February 1990, and those responsible for the said arrest and detention,
- (c) The establishment and the maintenance of places of detention at the Batalanda Housing Scheme owned by the State Fertilizer Manufacturing Corporation, during the period of 1st January, 1988 to the 31st of December 1990, and whether persons so detained were subjected to cruel and inhuman treatment (torture), and those responsible for the said illegal activities,

- (d) Whether any inquiry had been conducted into the aforementioned matters, and whether any persons interfered directly or indirectly with such inquiry,
- (e) Whether any Officer or any other person was responsible for the commission of any criminal offences under any law, or the use of undue influence or misuse or abuse of power in relation to any of the aforesaid matters.

The Warrant of the Commission also empowered the Commission to make such recommendations with reference to the matters stated above.

Even though under the provisions of the Commissions of Inquiry Act, Your Excellency had the discretion to appoint any person as a Commissioner, we are conscious of the fact that, prior to the appointment of the Commissioners, Your Excellency had, through the Secretary Your Excellency, solicited the recommendations of His Lordship the Chief Justice in the appointment of two Commissioners to the Commission. It was on the recommendations of His Lordship the Chief Justice, that Your Excellency had appointed us.

The Commissioners being Judges of the High Court of the Western Province holden in Colombo, having sittings relating to both original and appellate jurisdiction, the work connected with the Commission was fixed on afternoons, thereby facilitating the non disruption of routine judicial work assigned to the two respective High Courts. Further, the two State Counsel assigned to the Commission who represented the Hon. Attorney General also had to assist the Commission in addition to their normal official duties. After the Commission started functioning, an unprecedented number of witnesses volunteered to give information, material and evidence on vital aspects relating to the Terms of Reference of the Warrant. Hence, comprehensive and detailed investigations had to be conducted by the investigators assigned to the Commission. In these circumstances, it was necessary to seek extensions of the period to submit the report as stated in the original warrant.

Mr. S. T. Gunawardena, a former Officer of the Sri Lanka Administrative Service and an Attorney-at Law was appointed as Secretary to the Commission. Mr. Gunawardena who functioned as the Secretary to the Commission for a brief period of time, resigned on 1st February 1996. For a brief period, the Assistant Secretary Mr. David Geeganage was appointed the Acting Secretary. Thereafter, on 7th June 1996; Mr. G. K. G. Perera also an Officer of the Sri Lanka Administrative Service (Class II, Grade One) was appointed Secretary. Mr. Perera functioned as the Secretary to the Commission till the conclusion, with the aid of Staff, whose names appear in **Annex E.**

Mr. R. I. Obeysekera, President's Counsel, a former Crown Counsel of the Attorney General's Department, and the President of the Committee of Human Rights of the Bar Association of Sri Lanka (1996), who has appeared for the Crown and for the Defence in numerous famous criminal trials, was invited by the Commission to assist it. On an invitation extended to the former Hon. Attorney General Mr. Shibly Aziz, PC, to nominate two State Counsel to assist the

Commission, State Counsel Mr. Sarath Jayamanne and State Counsel Mr. Yasantha Kodagoda were nominated and accordingly assigned. The incumbent Hon. Attorney General Mr. Sarath N. Silva, PC was pleased to permit the said two State Counsel to continue to assist the Commission till its conclusion, notwithstanding the fact that they had also been assigned to perform other professional duties, which also required their urgent attention. The examination of the witnesses were conducted by these three Counsel.

Two teams of Police Officers headed by Mr. T. V. Sumanasekera, Deputy Inspector General of Police, and Mr. S. C. Pathirana, Senior Superintendent of Police assisted the Commission in carrying out necessary investigations. Superintendent of Police Mr. H. H. M. R. Premaratne assisted the team of investigators (of the Criminal Investigations Department) headed by Mr. T. V. Sumanasekera, which had already conducted preliminary investigations into certain aspects of the Warrant, prior to the appointment of the Commission. We were made to understand that, this material had also been considered in the establishment of this Commission. Upon the commencement of this Commission, the said team continued to investigate into some of the matters in respect of which they had already investigated into. A Team of Investigators headed by Senior Superintendent of Police Mr. S. C. Pathirana, consisted of Officers permanently attached to the Commission. This team investigated into and reported directly to the Commission on all matters in respect of which the Commission directed them to investigate into. The names of the Police Officers who served in the investigating Units appear in **Annex D**.

The Warrant of the Commission and the Terms of Reference, received unprecedented attention of the General Public. It would have been to a large extent due to the wide publicity given to the proceedings of the Commission, by both the print and the electronic media. It was also observed that, large number of persons attended the sittings of the commission and observed the proceedings. Members of the Public had free and unimpeded access to attend the proceedings. The Public response to the coverage of the Commission proceedings was positive. The Commission received vital information regarding the matters under inquiry, pursuant to it. The Commission wishes to note that there was a high degree of public participation, indicative of a strong public interest and a keenness on the part of the people to ascertain for themselves the truth relating to the matters under inquiry.

On certain days, special security measures had to be given effect to, to enable the proper conduct of the Commission, and to ensure that witnesses who appeared before the Commission were safe and free of fear. It is with regret that it is recorded that on one solitary day on which the Hon. Leader of the Opposition came to give evidence, there was disruption of the work of the Commission and the surrounding Courts of the Colombo High Courts Complex, due to a certain amount of uncontrolled and unruly behavior by certain persons who had come to the Commission premises and the area surrounding it, to cheer the said witness. At one point of time, the Commission had to caution those who were inside the Commission Court Room, to behave in an orderly manner.

The Commission caused notifications to be published in the daily news papers in Sinhala, Tamil and English, inviting representations from the members of the public, on issues connected with the terms of reference. (Copies of the notices are at **Annex B**) All persons who made relevant and written representations disclosing their names and addresses, were questioned in the first instance by Police Officers assisting the Commission. Thereafter, the Commission summoned such persons as witnesses where it was considered by the commission that they could give credible information as to matters coming within the terms of reference of the Commission. It has to be noted that, all decisions regarding the recording of the statements of witnesses and summoning of the same, were taken by the Commissioners. Further, upon the consideration of the nature of the statement made by one witness, the Commission decided to record his evidence in-camera. All other witnesses testimony were recorded in open sittings of the Commission.

As provided by the Commissions of Inquiry Act, the Commission permitted witnesses to be represented by Attorneys-at Law. These Counsel were permitted to examine witnesses who had testified against their respective clients. This examination was in the nature of cross examination, in the process of which such counsel attempted to impeach the credibility of witnesses and also elicit evidence in favour of their respective clients. Even the solitary witness who testified in-camera, was subjected to such examination. However, the Commission has observed that, certain Counsel who appeared on behalf of certain witnesses, whilst denying the allegations leveled against them, chose not to cross-examine the witnesses who had testified earlier against their clients. In appropriate instances, this Commission has arrived at findings, which have been partly based on inferences drawn on the non-examination of the witnesses who had testified against certain others. Another matter which requires special mention, is that Mr. Nalin Ladduwahetty, the Counsel who appeared to look after the interest of Witness (Interdicted Senior superintendent of Police) Douglas Pieris (the Police Officer who is said to have masterminded and executed the Counter Subversive Unit Operation in Kelaniya Police Division, which unit is alleged to have operated from the Batalanda Housing Scheme) left the Commission abruptly alleging that he could not expect a fair hearing from the Commission, continued to absent himself from the Commission proceedings, till the summoning of the Hon. Leader of the Opposition Mr. Ranil Wickremasinghe. On that occasion, the said Counsel appeared before the Commission as junior Counsel to the former Attorney General, Mr. Tilak Marapone, PC, who appeared as Senior Counsel to Mr. Wickremasinghe. Mr. Marapone, who appeared before the Commission for two consecutive days, did not object to the proceedings before the Commission, and continued to assist the Commission usefully, whilst the earlier mentioned counsel functioned as his junior. Further, Mr. Neville Abeyratne, the Counsel who appeared on behalf of retired chief Inspector Ranjith Wickremasinghe (the Officer in Charge of the earlier mentioned Counter Subversive Unit) continued to appear before the Commission right from the outset, and participated actively at the sessions of the Commission till the conclusion. He was of great assistance to the Commission. A list of all Counsel who appeared on behalf of witnesses are at **annex C**.

Mr. Douglas Pieris, appeared before the Commission in person voluntarily on 2nd February 1996, and instructed Mr. Nalin Ladduwahetty, Attorney-at Law to appear on

his behalf. Accordingly, opportunities were given to his Counsel to examine all witnesses whom he requested to examine. However, after a few days of proceedings, Mr. Pieris continued to absent himself from the proceedings. The Commission did not inquire into it, since Mr. Pieris was under no compulsion to appear before the Commission on all days, and since he had not been summoned to appear. Thereafter, as mentioned earlier, on 10th July 1996, Mr. Ladduwahetty too left the Commission, and refrained from appearing before the Commission. Soon thereafter, the Criminal Investigations Department brought to the notice of the Commission that Mr. Pieris had surreptitiously left the country. Subsequently, the commission directed the investigators to investigate into the whereabouts of Mr. Peiris, since by that time it became necessary for the commission to question and record his statement. It was also necessary to examine him, in the proceedings before the Commission. On 15th October 1995, SSP. H. H. M. R. Premaratne testified before the commission, to the effect that investigations had revealed that Mr. Pieris had proceeded to Switzerland via India and Thailand, with the aid of a forged passport which bore a false name. Having arrived in Switzerland, he had sought political Asylum. Thereafter, the Commission solicited the assistance of the Hon. Attorney General, to request the competent Authorities of Switzerland to permit Officers of the Commission to question Mr. Pieris in relation to the vast number of allegations which had been leveled against him by numerous witnesses. Most of the allegations were in the nature of abductions, murders, torturing of persons, and wrongful detention of persons. All allegations amounted to gross violations of Human rights. State Counsel representing the Hon. Attorney General informed the commission that the Attorney General had forwarded a 'commission Rogatory' to the Swiss authorities, through the appropriate diplomatic channels to which a summary of the available material against Mr. Pieris had been appended to, and that by the time the Swiss authorities replied to the request, Mr. Peiris had disappeared from Switzerland, upon his application for Political Asylum being refused by the Swiss Authorities. Thereafter, the Commission did not receive any information regarding Mr. Pieris till the conclusion of the sittings of the commission. However, on 14th August 1996, the Commission received an affidavit purportedly to have been sent by Mr. Pieris. This will be dealt with in a subsequent chapter.

In the course of recording evidence, it transpired that there were prima-facie evidence suggesting that certain persons had committed criminal offences, and that some of them had been concerned in matters set-out in the terms of reference. Commissions of Inquiries are vested with Limited statutory powers, and unlike under the provisions of the Special presidential commissions of Inquiry Act, no 'Notice' could be issued on such persons. Hence, all persons who had to be examined by the commission were summoned as witnesses. However, as the commission progressed, it became apparent that three categories of persons testified before the commission. They were :-

- I. Persons who complained of criminal offences being committed on them, or persons known to them,
- II. Official witnesses (in respect of whom there were no allegations),

- III. Persons who were alleged to have been directly or indirectly concerned in the commissioning of criminal offences and other matters set-out in the terms of reference.

(A Specimen copy of the summons sent to all witness is at **annex F**.)

Public sitting of the commission commenced on 16th of January 1996. and the commission had public sittings on Hundred and Twenty Seven (127) days. Eighty Two (82) Persons appeared before the commission on summons and their evidence was recorded at public sitting. The names and addresses of the witnesses who testified before the commission are in **annex G**. Hundred and Twenty Six (126) items of productions and documents were produced and marked through these witnesses. A list of these productions and documents appear in **annex H**. It is to be noted that this is only a fraction Persons from whom investigators of the commission recorded statements. At this stage, the commission wishes to place on record that, in arriving at inferences and findings, the commission did consider all the reliable and relevant material available before the commission, including the aforementioned statements. Further, reliable reports filed before the commission by Governmental agencies listing statistics and other information pertaining to important issues, were also considered.

All sittings of the commission were held in High Court of Colombo Court No. 2, situated in the high Court complex, Hulftsdorp, Colombo 12, of which the Chairman of the commission was the presiding Judge. This measure, helped the commission to eliminate expenditure involved in the obtaining of premises for the sittings of the commission. The main secretariat of the commission was situated in Room No. 301A, of the Superior Court Complex, in Hulftsdorp. Another room for the staff was maintained in the High Court Complex. The team of permanent investigators who were directly under SSP. Mr. S. C. Pathirana functioned from a Office situated at No. 18B, Summit Flats, Keppetipola Mawatha, Colombo 7. Witness were initially questioned and their statements recorded at this venue.

The proceedings were recorded on audio tape, and simultaneously taken down in shorthand, and subsequently prepared into typed proceedings. These proceedings run into 6780 pages, contained in 28 volumes. They are submitted herewith, along with the marked documents and statements of all the persons recorded by the investigators.

CHAPTER II

Introduction To Some Of The Personalities

We list below brief introductions to some of the persons, whose names transpire in this report prominently. Their names have been listed according to the alphabetical order of the first letters of their surnames. Rohitha Priyadarshana and Ajith Jayasinghe have not been introduced in this chapter, since two separate chapters have been devoted for them.

I. Keerthi Athapattu

Having joined the Police Department in 1972 as a Probationary Sub-Inspector of Police, he was promoted to the rank of a Chief Inspector in 1990, and to the rank of a Assistant Superintendent of Police in 1994. As an Inspector of Police, he functioned as the Officer-in Charge of the Sapugaskanda police from August 1989 to 1994. He had assumed the Post of Officer-in Charge of the Sapugaskanda Police, soon after the attack on that Police Station. His evidence became most important since, he had been in charge of the Sapugaskanda Police Station when Sub-Inspector of Police Rohitha Priyadarshana disappeared on the night of the 20th of February 1990.

II. Nalin Delgoda

Mr. Delgoda who retired from the Police service whilst giving evidence before this commission, had served the Police Department for 36 years, having joined the service as a probationary Sub-Inspector in 1961. Having served in numerous parts of the country, he was promoted to the rank of a Assistant Superintendent of Police on the 1st of January 1978. He became a Superintendent of Police in 1985. As Superintendent of Police, he was assigned the Kelaniya Police Division on the 15th of September 1987. He continuously functioned as the Officer-in Charge of the Kelaniya Division till the 24th of February 1994, when he became a Deputy Inspector General of Police. He was promoted to the rank of a Senior Superintendent of Police in 1989, whilst he was serving in the Kelaniya Division. In 1996, when he came to testify before the Commission, he was the Deputy Inspector General of Police of the Southern Poice Range.

On the 12th December 1989, DIG M. M. R. Guneratne sent a communication to the IGP commending Nalin Delgoda. In the said commendation, it has been stated that Mr. Delgoda along with SSP Edmund Karunanayake (Officer-in Charge of the Gampha Police Division) Participated enthusiastically in enforcing the concept of "*Operations by small groups in civil dresses*". It proceeds to state that 'such groups were able to *apprehend/ destroy* subversive elements. A copy of this commendation was produced before this commission marked X 79. Based on this commendation, the IGP forwarded

a recommendation to the Secretary Ministry of Defence, recommending that Mr. Delgoda be granted two salary increments. A copy of this recommendation was produced before this Commission marked X 86.

III. M. M. R. (Merril) Guneratne

Mr. Guneratne was 54 years of age at the time of testifying before the Commission. He too is a graduate of the University of Ceylon. Having joined the Police Department in 1965 as a Probationary Assistant Superintendent of Police, and became a Superintendent of Police in the year 1973. As a Superintendent of Police, he was attached to the Intelligence Services Division. Mr. Guneratne was elevated to the rank of a Senior Superintendent of Police in the year 1978. In 1985, he was promoted to the rank of a Deputy Inspector General of Police. In October 1986, Mr. Guneratne was appointed the Director of the National Intelligence Bureau. On the 20th of April 1989, he was appointed the DIG for the Greater Colombo Range. In 1993, he became a Senior Deputy Inspector General of Police. At the time of giving evidence, Mr. Guneratne was attached to the Police Headquarters, as the DIG in charge of Support Services.

Mr. Guneratne was the Deputy Inspector General of Police, under whose purview the Kelaniya Police Division fell from April 1989 to August 1993.

IV. Ajith Jayasinghe

Please see Chapter VIII

V. Mr. Earnest Perera

Mr. Perera was 64 years of age at the time he testified before the Commission. A graduate of the University of Ceylon, he joined the Police Department in 1957, as a Probationary Assistant Superintendent of Police. Having being elevated to the rank of Superintendent of Police in 1968, he served in the rank for 5 years. Thereafter, he was promoted to the rank of a Senior Superintendent of Police. Thereafter, in the year 1977, he was promoted to the rank of a Deputy Inspector General of Police. On the 1st of August 1988, he was appointed the Inspector General of Police. He continued to head the Police Department till the 28th of November 1993. Upon reaching 61 years of age, he retired from the Police Force, and soon afterwards was appointed Sri Lanka's Ambassador in Malaysia. With the change of Government in August 1994, he was recalled to Sri Lanka. Since then, he has not been in employment. During a majority of the time period relevant to the Terms of Reference. (i.e. from 1st of January 1988 to the 31st of December 1990) Mr. Perera functioned as the head of the Police Force of Sri Lanka.

VI. Douglas Peiris

Douglas Peiris joined the Police Department in 1967, as a Probationary Police Constable. Since he had the required basic qualifications to be selected to the rank of a Sub-Inspector, he was so selected in the year 1971. In 1979, he was appointed an Inspector of Police. Thereafter, in 1985, he was promoted to the rank of a Chief Inspector of Police. As a Chief Inspector, he functioned as the Headquarters Inspector

(HQI) of the Peliyagoda Police Station. On the 20th of July 1987, Mr. Peiris was appointed an Acting Assistant Superintendent of Police. As an ASP, he functioned as the 'ASP-Operations' of the Kelaniya Police Division. In this capacity, he supervised and gave leadership to the activities of the Kelaniya Counter Subversive Unit (CSU).

In order to be confirmed in the rank of an ASP, one has to sit for an examination, and pass the said examination, within a specified time period (3 years). Mr. Peiris presented himself for the relevant examination. However, he failed to pass the examination. Accordingly, by 1990, Mr. Peiris remained to be an unconfirmed ASP. Since he was unconfirmed as he had not passed the examination, he had to apply for an extension of the period granted to pass the examination. Such requests were generally granted. However, in that event, he would lose seniority, since with the granting of the extension, he would go down in the list of seniority.

One would note that 1990 was the year that signified the end of the subversive insurgency. On the 25th of November 1989, SSP Nalin Delgoda addressed a communication to DIG (Greater Colombo Range) Mr. M. M. R. Guneratne, recommending ASP Peiris to be promoted to the rank of a Superintendent of Police. Delgoda stated that, he forwarded the relevant recommendation, on a request made to him by ASP Peiris himself. (In the communication, Mr. Delgoda has not stated as to how he could be so promoted, even without initially being confirmed in the rank of an ASP.) Mr. Delgoda has substantiated his recommendation, by listing out details relating to the work done by ASP Peiris, during the pendency of the Subversive Insurgency. A copy of the relevant recommendation (together with the connected documents) were produced before the Commission marked X 71. In that communication, Mr. Delgoda has stated inter - alia that, "*he, (referring to ASP Peiris) has been responsible for thwarting the advancement of the subversive movement, and the elimination of disruptive elements.*" The Commission was interested in ascertaining the meaning of the word 'elimination'. What did Mr. Delgoda have in mind, when he used the said word. Upon being questioned in this regard, Delgoda read out from a prepared text. The document which contained the text was produced before the Commission, marked X 72. Delgoda in the said text attempted to explain that, what was meant by the word elimination was, '*justifiable homicides*' committed by ASP Peiris. Delgoda could not explain as to how the commission of justifiable homicides would tantamount to a ground for a promotion. Justifiable homicides (which came within the purview of the Emergency Regulations) were referred to as 'Regulation 55FF' deaths. During the period of reference, there had been only five such deaths reported for the entire Kelaniya Police Division. He agreed with the Counsel who examined him that, the ordinary meaning of the relevant word was '*to do away with*' or '*kill*'. Under these circumstances, counsel ventured to elicit from other witnesses the actual practical meaning of this word, as it was used in Police parlance during the relevant period. It was the then Inspector General of Police (IGP) Ernest Edward Perera, who finally quite honestly testified that, what was in fact meant by '*elimination*' was '*extra judicial killing (of subversives)*'. Hence, it now appears quite clearly that, the main ground for the recommendation of ASP Peiris's promotion was that, he had '*thwarted the advancement of the subversive movement, by extra-judicially killing subversives.*'"

Having received the aforementioned recommendation, on the 12th of December 1989, DIG Guneratne, also prepared and forwarded a recommendation on ASP Peiris to the IGP. A copy of the said recommendation was produced before the Commission marked X 88. Even though, this recommendation does not bear it, DIG Guneratne stated that, he prepared the recommendation and forwarded it to the IGP since the IGP wanted him to do so. To the said recommendation was annexed the recommendation he received of ASP Peiris, sent to him by SSP Delgoda. In the relevant recommendation, it is stated that ASP Peiris along with ASP Gamini Silva (of the Gampaha Division) 'pioneered' the campaign against the JVP. It proceeds to state that, "*they have played a crucial role in helping first, the destabilization and thereafter the decline of the JVP*". He also states that, Hon. Ranil Wickremasinghe, Hon. Joseph Michiel Perera and Hon. John Amaratunge were well aware of the distinct contribution made by these two Officers'. DIG Guneratne stated that, in making the recommendation, all he wished was that, ASP Peiris be given two salary increments.

Having received the aforementioned two recommendations, the IGP forwarded a communication on this matter to the Secretary to the Ministry of Defence. This communication, which is dated 21st of December 1989, was produced before the Commission, marked X 42. It appears that, based on the recommendation made, the Secretary to the Ministry of Defence had prepared a Cabinet Paper on this matter, which was presented to the Cabinet of Ministers by the former President Ranasinghe Premadasa, on the 6th of February 1990. Based on the recommendations contained in the cabinet Paper, the Cabinet of Ministers decided to, (a) exempt ASP Peiris from passing the required confirmation examination, (b) confirm him in the rank with retrospective effect from the 20th of July 1988, and (c) promoting him to the rank of a Superintendent of Police (Grade II) with effect from the 1st of February 1990. A copy of the Cabinet Decision was produced before the Commission marked X 43. According to several witnesses, this was an unprecedented move. As a result of the series of Promotions Douglas Peiris received overnight, he rose in seniority over 130 Gazetted Police Officers. No other Police Officer, in the history of the Police Department had received such a promotion. It prompted Senior DIG (Administration) Dr. Dharmadasa Silva to agree with counsel that '*it was the longest jump ever in the Police*'. Finally in 1993, SP Douglas Peiris was promoted to the rank of a Superintendent of Police (Grade I). He was thereafter interdicted from service in 1995, on the basis of there being investigations into serious offences said to have been committed by him.

As mentioned in the introductory chapter, ASP Peiris suddenly went missing from the Commission. Since he was under no obligation to appear before the Commission regularly, the Commission did not cause any investigation into the matter. However, it was subsequently reported that, Mr. Peiris had surreptitiously left the country. Investigations conducted in this regard by the Criminal Investigations Department revealed that, on 20th July 1996, Douglas Peiris had left the country. Prior to leaving Peiris had obtained a forged passport, under the pretext of using the name 'Thalpapwila Widana Kankanamge Wimalasena'. The address provided by him, for the obtaining of the Passport was 'No. 37, Kandy Road, Peiris Mawatha Kelaniya'. A copy of the

Passport Application (which contains the false information) was produced before the Commission marked X 53. The said application bore a correct photograph of Douglas Peiris.

It could not be established how Peiris left Sri Lanka. However, available material obtained from Interpol indicate that, he had embarked a plane bearing number TG 970, from Bombay on 22nd July 1996. Flight TG 970 had taken him to Bangkok on the same day. Thereafter, on 9th August, Peiris left for Switzerland.

Having arrived in the city of Zurich, Switzerland, he pleaded for Political Asylum Status. The Swiss authorities provided him temporary Permission to remain in Switzerland, till his application for the granting of Political Asylum was being considered. The main ground adduced by Peiris for having requested Asylum was that, back in Sri Lanka he was being persecuted. The Swiss authorities decided against Douglas Peiris, and refused to grant him Asylum. They were not satisfied with the grounds pleaded by Peiris. However, as per the Swiss Law, Peiris received time till the 31st of January 1997 to appeal against the refusal order. During that period, he once again disappeared. From that point onwards, the Commission did not receive any information indicating the whereabouts of Douglas Peiris. However, on and off, his Attorney, Mr. Nalin Ladduwahetty did apply to the Commission for copies of the proceedings of the Commission, and documents produced before the commission. These applications were allowed, and the required proceedings were released to the counsel.

However, on 14th August 1996, the Commission received a document, purportedly to have been sent by Douglas Peiris. It resembled an Affidavit. In order to determine the authenticity of this document, investigations were conducted to ascertain, as to whether in fact the Justice of the Peace who is alleged to have attested the document, had in fact done so. Investigations revealed that, the Justice of the Peace mentioned therein had not attested the document. Due to this reason, the Commission did not consider the contents of the relevant document.

VII. Rohitha Priyadarshana

Please see chapter VII

VIII. Ranil Wickremasinghe

Mr. Ranil Wickremasinghe, the present Leader of the Opposition in Parliament, is the Leader of the United National Party. A one time Prime Minister of Sri Lanka, Mr. Wickremasinghe had entered the political arena as a Member of Parliament (U. N. P.) representing the Biyagama seat in 1977. Since then, he had continuously functioned as a member of Parliament. In 1978 he was appointed as the Deputy Minister of Foreign Affairs. Thereafter, Mr. Wickremasinghe was elevated to Cabinet rank, and had been assigned the portfolio of Education and Youth Affairs. In May 1993, soon after the assassination of President Ranasinghe Premadasa, Mr. D. B. Wijetunge who was the Prime Minister of the Country under President Premadasa's Presidency, was appointed the President of the Republic. The vacancy of the Premiership was filled by the appointment of Mr. Ranil Wickremasinghe. He functioned as the Prime Minister till the fall of the United National Party Government on the 16th of August 1994.

Upon the United National Party becoming the major opposition political party in the Parliament, Mr. Wickremasinghe was not appointed the Leader of the Opposition, since Mr. Gamini Dissanayake was elected the Leader of the Opposition, by a secret ballot of the U. N. P. parliamentarians, in August 1994. Thereafter, in December 1994, Mr. Ranil Wickremasinghe was appointed the Leader of the Opposition, upon the sudden assassination of Mr. Gamini Dissanayake. During the period relevant to the Inquiry (*i. e.* from 1st of January 1988 to the 31st of December 1990) Mr. Wickremasinghe was functioning as the Minister of Youth and Employment (till the end of January 1989), and thereafter as the Minister of Industries and Scientific Affairs. During this period he was representing the Electoral District of Gampaha in Parliament. However, his actual (*de-facto*) representation was the electorate of Biyagama, which falls within the Gampaha District. The town of Sapugaskanda and the village of Batalanda falls within the Biyagama electorate.

IX. Ranjith Wickremasinghe

Having joined the Police Department as a Police Constable in 1958, he was promoted to the ranks of Police Sergeant in 1972, and Sub-Inspector of Police in 1982. Having become an Inspector of Police in 1988, he was promoted to the rank of a Chief Inspector of Police in 1994. He retired from the Police Service, a few weeks prior to giving evidence before the Commission.

In March 1978, he was transferred to the Kelaniya Police division. In February 1987, Mr. Wickremasinghe had been appointed the Officer-in Charge of the Counter Subversive Unit of the Kelaniya Division. He had held this post till November 1990. After a brief period of service outside the Kelaniya police division, he had returned to the Kelaniya Division, and thereafter continued to serve in that division till the end of 1994. At the inception, the Counter subversive Unit of the Kelaniya Division had been functioning at the Peliyagoda Police station.

CHAPTER III

Deterioration of Security And The Escalation of Violence**The Janatha Vimukthi Peramuna**

The origins of the Janatha Vimukthi Peramuna is seen in the late 1960 's. The leader of the party, Patabandi Don Nandasiri Rohana Wijeweera defected from the Peking wing of the Communist Party of Ceylon. The preliminary organizational activities of the newly formed Janatha Vimukthi Peramuna or the Peoples Liberation Front had taken place towards the end of 1967 in Kalaththewa. The main organizational activities of this Party subsequently centered in the Universities of the country. In particular the Peradeniya Campus of the University of Ceylon had been a hive of activity of the JVP in the late 1960' s. It appears that the JVP had not made any direct efforts to enter parliamentary politics of the country at the 1970 General Elections. It is the consensus of opinion, that during the election campaign for the 1970 General Elections, JVP activist had in most parts of the Country supported the candidates of the Sri Lanka Freedom Party (SLFP). However, it had been evident from the outset that, the J. V. P. did not either directly or indirectly support the conventional (traditional) left political forces. Infact, material available indicate that they had been quite antagonistic towards the old left parties.

Soon after the new government was formed, the J. V. P. started to criticize the government, at it's public meetings. In the background, the J. V. P. organized itself to mount a rebellion against the government. Commencing on the 5th of April 1971, the J. V. P. mounted a massive attack on the Government of that day. Approximately 100 Police Stations and key Government institutions were attacked. A couple of Police Stations temporarily fell into the hands of the attackers. Independent Ceylon had never witnessed such an Insurgency. The United Front Government of the day led by former Prime Minister; (who is also the present Prime Minister) Mrs. Sirimavo Bandaranaike, reacted to the insurgency by imposing Emergency rule. The entire country was under curfew for a couple of days. Thereafter, the Armed forces and the Police reacted to the offensive by the J. V. P. by immediately reacting by arresting a large number of insurgents. It is interesting to note that, the leader of the JVP Mr. Rohana Wijeweera was arrested prior to the commencement of the insurrection. On the 13th of March 1971, and remained detained in the Jaffna Prisons till the end of the rebellion. Available information indicate that around 16,500 persons either died in the attack and the counter offensive, or were arrested for their involvement in the illegal activities connected with the rebellion.

Having regard to the numerous problems faced by the investigators who inquired into the insurgency, and the nature of the provisions of procedural law, and provisions relating to admissibility of evidence, the Government of the day introduced a new legal Tribunal to hear and determine cases involving the insurgent suspects. This was by way of the introduction of the Criminal Justice Commission Act, in April 1972. This permanent Commission was legally empowered to hear and determine cases relating to those who were detained under the provisions of the Emergency Regulations, in relation to the Insurgency. Unlike Commissions of this era, the Criminal Justice Commission was empowered to impose penal sanctions (punishments) on those who were found guilty. One of the main provisions of the law which was unique, was that the Commission was empowered to accept in evidence statements (including confessions) made by suspects to Police Officers (irrespective of their rank.) It is to be noted that, this same Commission inquired into certain persons who were accused of having violated Exchange Control Regulations, and illegally pilfered foreign exchange out of the Country. The Criminal Justice Commission commenced it's inquiries on 22.07.1972, and continued to hear the cases till 20.12.1974. Forty One (41) persons had been accused of having committed offences such as conspiracy to over-throw the Government, waging war, etc. The leader of the J. V. P. was the 13th Accused. While some of the accused were defended by Counsel, Wijeweera defended himself. The Prosecution was conducted by a special team of Prosecutors of the Attorney General's Department, which included the then Director of Public Prosecutions Mr. Ranjit Abeysuriya, Senior State counsel Tilak Marapone and Senior State Counsel Sarath N. Silva (the latter two subsequently became Attorneys General of Sri Lanka) On 20.12.1974 the Commission made order convicting 36 accused. The convicted accused were sentenced to terms of imprisonment ranging from suspended jail terms to 12 years imprisonment. Accordingly the entire top leadership of the JVP were imprisoned. They continued to be imprisoned till the end of the period of governance of the United Front Government.

Even though the party leadership was incarcerated, available material indicate that by the mid 1970's, re-organisation of the party commenced. By the time the 1977 General Elections were declared, the peripheral organizers of the JVP were active, and in fact went to the extent of directly supporting the United National Party, which had been during that period classified as a right-wing capitalist political force. As anticipated, at the July 1977 General Elections, the United National Party came into power obtaining 4/5th's of the Parliamentary seats. Soon after United National Party came into power, in October 1977, the Government introduced a bill in parliament repealing the Criminal Justice Commission Act. Along with the passing of this legislation, all the persons who were imprisoned under the orders of the Criminal Justice Commission were released from prison, on a Pardon given by the then Governor General, who had acted on the advice of the then Prime Minister, Mr. J. R. Jayewardene. Accordingly, on the 2nd of November 1977, Rohana Wijeweera was freed from the Prison. The reasons for having released Rohana Wijeweera and his group would be best known to those who took the relevant decision. In an interview given by Prime Minister J. R. Jayewardene to Political analyst Rohan Guneratne, he has stated that, he advised the Governor General to pardon Rohana Wijeweera and his group because,

they were 'political prisoners and not criminals'. He has added that, "If I did not release him, he would have become like Nelson Mandela". However this is what one of the main beneficiaries had to say about it. "The students and the younger generation are firmly behind us, and it was their outcries, and the fact that several loyal supporters of the United National Party were imprisoned under the C. J. C. Act, that compelled the Government to release all of us" - Rohana Wijeweera, The 'Weekend', 'Sun' of 9th July 1978. However, this is what Member of Parliament Mr. Anura Bandaranaike had to say about the release of Rohana Wijeweera and others. "We (a reference to the United Front Government of 1970 - 1977) dealt with them according to law. The Law courts prescribed imprisonment. As a part of his strategy to destroy the SLFP, President Jayewardene released the JVP leaders expecting they (the JVP) would turn against the SLFP who had imprisoned them. This strategy backfired badly and they turned on the UNP as well." [From an interview given by Mr. Bandaranaike in the late 1980's to Political Analyst Rohan Guneratne.]

No sooner the JVP leadership obtained freedom in 1978, they commenced the re-organisation of the party. The nature of their organisation became apparent at May day processions and rallies. One of the main themes of attack were to remind the public of the nature in which the Government of Mrs. Sirimavo Bandaranaike suppressed the 1971 insurgency. Having entered the political mainstream, the JVP showed signs of being sincerely interested in parliamentary democratic politics. This became apparent when they attempted to field candidates at the 1979 Local Government elections. However, they were up an uphill task. The Commissioner of Elections refused to recognize the JVP as a registered Political Party. It has been opined that, this type of reaction by the executive may have dissuaded the JVP to enter and remain in the Political mainstream. Further, during this period, the JVP did face numerous problems from 'Political thugs'. On one occasion, a group had arrived in a jeep and a CTB bus, and attacked party activists and damaged the property in the party office situated in the Aesthetic Studies Institute of the University of Colombo. Notwithstanding mounting opposition from powerful forces, the JVP fielded candidates for the first ever District Development Council elections held in June 1981. In the city of Colombo alone, their candidates polled approximately 8% of the votes. In fact, in certain areas, candidates fielded by the JVP were elected to office.

On the 20th of October 1982, Sri Lanka witnessed the first ever Presidential elections. Six candidates from recognized Political Parties contested at the elections. They were, the incumbent President Mr. J. R. Jayewardene, Mr. Hector Kobbekaduwa, Dr. Colvin R De Silva, Mr. Kumar Ponnambalam, Mr. Vasudewa Nanayakkara, and Mr. Rohana Wijeweera. Whilst President J. R. Jayewardena won the elections, Rohana Wijeweera emerged the third, defeating the candidates from the traditional left parties. As a party, the JVP obtained 4.19% of the votes cast. This indicated the gaining of strength by the JVP.

On the 22nd of December 1982, the country also witnessed the first ever Referendum. The question posed by the Government was, as to whether the people wished to extend the life of the then Parliament without proceeding to a General Election. This Referendum was keenly contested by all political forces. Whilst the ruling United

National Party campaigned for the extension of the term of office of the parliament, the Sri Lanka Freedom Party, and the left parties such as the Communist Party, Lanka Sama Samaja Party and the Janatha Vimukthi Peramuna campaigned against the extension. By a narrow majority (54.7% 'for' and 45.3% 'against', with 75.8% of the registered voters voting) it was decided that the term of office of the then Parliament be extended without holding a general election.

In May 1983, the Government held by-elections in the seats wherein the ruling United National Party lost at the Referendum. Since no General elections were held, these by-elections were considered as a "Mini General Election". There was a lot of interests shown by all the Political Parties. By-elections were held in 18 seats. The United National Party won 14 seats, Sri Lanka Freedom Party 3 seats and the Mahajana Eksath Peramuna 1 seat. The JVP candidates did poll considerable amounts of votes. Soon after the by-elections, the Government declared Emergency in the country.

Arising out of the controversy which surrounded the manner in which the Referendum was held and the way in which certain powerful forces behaved during the run-up to the elections and on the day of the elections too, in February 1983, the leader of the JVP, filed action in Court against the Commissioner of elections, challenging the legality of the referendum and its declared results. Before this case could be properly argued, Sri Lanka witnessed a calamity of unprecedented nature.

The J. V. P. is proscribed violence commences

On the night of the 21st July 1983, the country went up in flames. This was following the brutal murder of 13 Armed Forces personnel in Jaffna, by separatist terrorists. In parts of the country where the majority Sinhalese lived, the houses, business establishments, and property of minority Tamils went up in flames. An unrecorded number of Tamil civilians were brutally murdered. Most of the Tamils who lived outside the Provinces of the North and the East, became refugees. Whilst some of the refugees went to the Northern Province, the others fled to neighboring India. After, some amount of delay, curfew was declared, and gradually the country came back to normalcy.

On the 31st of July, 1983, President J. R. Jayewardene proscribed the Janatha Vimukthi Peramuna, Sri Lanka Communist Party, and the Nawa Sama Samaja Party, on the alleged basis that, activists of these two parties were responsible for the communal riots. Quite naturally, leaders of both these parties went underground. Even though the law enforcement authorities were under directions to arrest and produce the leaders of these parties, they could not do so. Whilst the top leadership remained underground, the Police were successful in arresting some of the activists. By letter dated 08th October, 1983, Rohana Wijeweera denied that his party had any complicity in the July ethnic riots, and appealed to President Jayewardene to lift the proscription enabling the JVP to function within the democratic political system.

Meanwhile, Police investigated into the acts of violence which took place during the ethnic riots of July 1983. Based on findings of the respective investigations

suspects were arrested. Thereupon, the Attorney General instituted criminal proceedings, against whom there was adequate evidence. The outcome of these cases were interesting. Mr. Ranil Wickremasinghe too whilst giving evidence agreed with Counsel who examined him, that not a single activist of the JVP or the NSSP had been found guilty of having committed acts of violence during the July 1983 ethnic riots. Hence, it could not be established that the JVP or the NSSP was responsible for the ethnic riots of 1983. However, the proscription on the JVP continued. By this time, representatives of the JVP who were holding seats in the District Development Councils had lost their seats, since they had absented themselves continuously for more than three sittings of the Council. In effect, the JVP was not represented in democratic political institutions.

From about 1985, the Intelligence agencies of the Police had received information that there was a concentrated re-organisation of the JVP taking place in the country. As in the late 1960's, there was active campaigning and organizing taking place in the Universities. A well organized country wide poster campaign made the presence of the JVP quite apparent in the Political arena. Most of the JVP posters were directly against the ruling United National Party Government. The themes, centered around the proscription of the party, and the disparity in economic resources of the people. They also disapproved the manner in which the Government was dealing with the ethnic issue. During this same period, intelligence services had also received information that politically motivated crimes were being committed by activists of the JVP. Initially most of the crimes were in the nature of Robberies and thefts. It was inferred that these crimes were being committed to raise funds for the JVP. Thereafter, other forms of crimes started to take place. Weapons were being stolen, and damage was also being caused to government property. There was also active enlistment of party cadres. Whilst it became somewhat clear that the JVP was orchestrating itself for another armed rebellion against the UNP Government, certain political analyst expressed the view that this reaction by the JVP was due to the unjustified proscription of the party, and thereby preventing the JVP from expression of their political views in public. **They had no role to play in the democratic mainstream. Political analysts** questioned as to whether the Government of the day had forced the JVP to react in an undemocratic manner.

Soon after the infamous air-drop of 'humanitarian aid' in the North of Sri Lanka by the Indian Air Force on the 04th of June 1987, the Government was compelled to abandon the 'Vadamarachchi Operation, against the separatist terrorists, LTTE. On the 29th of July 1987, President J. R. Jayewardene entered into an agreement with Prime Minister Rajiv Gandhi of India. Along with the entering into of this Agreement referred to as the 'Indo-Sri Lanka Peace Accord', the country witnessed a spate of violence. Government institutions were set on fire, and property of the Government were damaged. Available material clearly indicates that, unlike in July 1983, amongst other forces who were against the Indo-Sri Lanka Accord, JVP activists too had been involved in these incidents. It is to be noted that, certain other Political forces within and outside the then Government too were openly against the accord. During the period immediately preceding the entering into the 'Peace Accord', the JVP was actively campaigning for a '*socialist revolution through a patriotic struggle*'. After the Government entered into the Accord with India, the JVP openly agitated against

what they called 'Indian Imperialism'. They campaigned for the withdrawal of the Indian Peace Keeping Force (IPKF) from the North of Sri Lanka. By this time it was widely accepted that Prime Minister Ranasinghe Premadasa too was against the presence of the IPKF in the island. Infact, during the Presidential election campaign, Mr. Premadasa who was the Presidential Candidate of the United National Party openly stated that once he becomes the President of the country, he would ensure that the IPKF is sent away. Later in April 1988, Prime Minister Ranasinghe Premadasa went on record saying that 'the LTTE and the JVP are continuing their struggle because they are victims of social and political injustices'.

From August 1987, the security situation in the country deteriorated gradually and continuously. There was a serious threat to the lives of politicians. Politicians of the ruling United National Party were the prime targets. The leaders of the conventional left were also targeted. Apart from high ranking politicians, political aids at the grass-root level were also targeted. It has been estimated that approximately 1960 members of the United National Party were murdered. Amongst them were two consecutive Secretaries of the UNP, Mr. Harsha Abeywardena (killed on 23.12.1987) Nandalal Fernando and a few UNP members of parliament. Furthermore, Senior Police Officers were also targeted. Senior Superintendent of Police Mr. Terrance Perera, who at that time was involved in intelligence work relating to the JVP activities was assassinated. Thereafter, SSP. Bennet Perera (an officer who took a keen interest into investigations relating to subversive activities) was also murdered. The damage to Government property was alarming. Government institutions in the peripheries were corched. Another notable feature was well organized strikes in government organizations. A strike that nearly crippled essential services was the one by the National Transport Workers. In various other government institutions, work came to a grinding halt, along with written orders being sent to such places, by an organisation referred to as the "Deshappremi Janatha Vyaparaya (DJV)". This was coupled with de-facts curfews imposed purportedly by the same organisation. The orders of the "Deshappremi Janatha Vyaparaya" (DJV) went out under the name of "Keerthi Vijayabahu". A state of near anarchy prevailed in the country.

To sum-up the situation using the evidence of Deputy Inspector General of Police Mr. Merrill Gunaratne, the situation was "extra-ordinary". He added that to combat this extra-ordinary situation, "*extra-ordinary measures had to be taken*". We will in due course attempt to analyze what the witness may have meant, when he used these words.

Counter action

According to both Deputy Inspector Generals of Police Merrill Guneratne and Nalin Delgoda, at the beginning of the above-mentioned spate of violence, it had been difficult to motivate Police to react effectively against the perpetrators of these violent activities, specially since they were frightened of the persons who were involved in the relevant activities. Political analyst are also of the opinion that, another reason for the apparent inaction on the part of junior police officers may have been due to the reason that, some of them were to a certain extent sympathetic towards the JVP since they were in agreement with the 'themes of agitation' by the subversives. Some of these themes were, 'halting Indian Imperialism', 'bringing about equality in the distribution of economic resources', 'sending out the Indian Armed Forces', 'solving the ethnic issue', and 'establishment of basic democratic rights'.

By late 1988 President J. R. Jayawardena retired from active politics, and a Presidential Election was held in November 1988. Some of the main contenders for the Presidency were Mr. Ranasinghe Premadasa (the Prime Minister of the UNP Government), Mrs. Sirimavo Bandaranaike (the former Prime Minister, who had been recently restored her civic rights, after a period of deprivation) and Mr. Ossie Abeygoonasekera (the candidate of the United Socialist Alliance). Amidst acts of widespread violence and intimidation, the Presidential Elections were held, and Mr. Ranasinghe Premadasa was declared elected the President of the Republic, by obtaining the votes of 50.43% of the votes cast. Soon after that election, in February 1989, a General Election was held, wherein the United National Party secured 125 of the parliamentary seats, out of 196 seats. Mr. D. B. Wijetunge was appointed the Prime Minister of National Security and the Deputy Minister, and Mr. Ranjan Wijeratne was appointed of Defence. It became Mr. Wijeratne's task to combat the threat posed by the subversives.

During this period, for the first time, a series of posters appeared in the country, purportedly to have been issued by the Deshappremi Janatha Vyaparaya, demanding the resignation of all Armed Service and Police Force personnel. It was stated that, if they did not resign, they and their families would be killed. Infact, soon after the appearance of these posters, a small amount of police personnel and members of their families were murdered. According to Nalin Delgoda, it then became easy to enlist the support of police officers, in the drive against the subversives. More and more police officers were prepared to go on the offensive, at they were agitated and angry.

From late 1980's Counter Subversive Units (CSU) were set-up in Police Divisions, with the primary official duty of assimilating intelligence relating to subversive activities, conducting investigations, arresting suspects and co-ordinating activities relating to anti-subversive activities. These Units which were led by officers- in charge of those Units, came under the purview of Assistant Superintendents of Police, who were named A. S. P. (Operations). These Units were located at the main police station of the relevant division. The officers of these units were authorised to operate in civils. Officers moved about not only in regular police vehicles, but also in requisitioned vehicles which bore civilian appearances. It transpired during the proceedings that some of these vehicles did not have proper registration numbers, and they had 'garage numbers', thus making it difficult to positively identify. It was the official position of all the police officers who testifies before the Commission that, it was the respective counter subversive Units that effectively combated the subversive threat.

In the late 1980's Sri Lanka witnessed an unprecedented number of disappearances of youth. In some of the cases, there was evidence relating to the abduction of these persons, and in most others, there was no clue at all regarding what happened to them. Most of the persons who were so abducted disappeared forever. In some other cases, after a brief period of time, their bullet riddled or burnt bodies were found. Unofficial estimates indicate that the total number of persons who were murdered and disappeared in this manner is approximately 40,000. In a very small number of cases, after a considerable period of time, family members received information that the abducted persons were being detained at Government run official Detention Centres, and in certain other cases at unofficial detention centres. The main aspect of this inquiry relates to such an 'unofficial and unlawful detention centre at Batalanda'.

During this period, increasing number of allegations were made that, persons of opposition political groups (other than the JVP) were also being targeted in the guise of controlling subversives. It was led in evidence that on numerous occasions, members of the then opposition raised questions regarding such abductions/disappearances, in parliament. The main allegation had been that, Government politicians were using police officers to 'get rid of' their political opponents. This allegation appears to have been manifest by the close association certain officer of the police had with certain politicians of the ruling United National Party. Evidence was led regarding a series of meetings held in two houses of the Batalanda Housing Complex, under the Chairmanship of Mr. Ranil Wickremasinghe, wherein certain selected police officers of the area had been present along with a few United National Party politicians, such as Mr. Suranimala Rajapakshe. It was common ground that police officers such as Merril Guneratne, Nalin Delgoda, Douglas Peiris, and Raja Dias participated in those meetings. None of the above persons could give similar evidence regarding the main features of those meetings. Each person's evidence was contradictory of the others. No minutes or notes had been kept of these meetings. The evidence regarding the nature of the topics discussed at these meetings were not too clear, since witnesses gave contradictory evidence regarding them. According to Mr. Nalin Delgoda, the purpose of these meetings were for Mr. Ranil Wickremasinghe to give 'political leadership' and 'directions' to the police officers of the area, on counter subversive activities. However, the witness could not explain, what the 'Minister of Industries' was expected by law to do with police officers. This matter will be dealt with further in a subsequent chapter. What is noteworthy is that, it was apparent that Politicians of the ruling party did maintain close relationships with police officers of the respective areas, and that, it was not too clear as to what happened based on these relationships.

The J. V. P. is controlled.....

By the early 1989, the counter subversive operations spear-headed by the government was at it's climax. Apart from various organs of the police and the Armed Forces, certain other groups too had been operating. These groups appear to have been given the common name 'vigilante groups'. By individual name, these groups had been called '*Praa*', '*Kola Koti*' (Green Tigers), '*Black Cats*', '*Divi Makuluwa*', and '*Kaha Balallu*' (Yellow Cats). It was clear that, the primary function of these groups were to apprehend subversive suspects, and to destroy them. It was also the evidence of both Merril Guneratne and Nalin Delgoda, that they were unaware of a single occasion where members of these groups were apprehended by the police for their illegal activities. In fact, the Commission got the clear impression that these groups did receive the patronage of the Police. Hence the identity of the members of these groups became vital. The Commission attempted to identify these groups by ascertaining their memberships. One specific evidence on this matter came from former Cabinet Minister, present UNP Parliamentarian Mr. John Amaratunge. According to Mr. Amaratunge, he had been under the impression that Black Cats were an organ of the Sri Lanka Police. Mr. Amaratunge would have had definite reasons to believe so. However, his Cabinet colleagues, Mr. Ranil Wickremasinghe and Mr. Joseph Michiel Perera refused to subscribed to that idea. Mr. John Amaratunge may have been quite right, since at the time of inspection of the Batalanda Housing scheme by the Commission, on the windows and walls of a house which was situated

immediately in front of Mr. Douglas Pieris's house, (In which it was established that Mr. Pieris's security personnel were stationed) were the words 'Black Cats'. In fact, there was evidence before the Commission, that even during the 1988-1990 period, this house had the afore-mentioned name. The illegal activities of these 'vigilante groups' were unaccounted for. They possessed immunity from the enforcement of the normal law of the country. It was accepted by the then Inspector General of Police, that the functioning of these groups, and the nature of the functioning of certain Police Units, contributed to the allegation that the '*terrorism of the JVP was being met with State terrorism perpetrated by the organs of the government and by vigilante groups*'.

By 1990, the law enforcement agencies made a major break through in their fight against the JVP. They were able to apprehend the leadership of the JVP, which included the leader of the party Rohana Wijeweera, and its secretary Upathissa Gamanayake. Under mysterious circumstances, both persons died in Police/Army custody within hours of their arrests. Along with the apprehension of the leadership, and the mass scale apprehension of party activities, the activities of the JVP started to diminish.

In fear of what may befall them, certain members surrendered to the police. It is undisputed that by late 1990, the threat posed by the subversives ended. However, the scars left by the violence unleashed by the subversives, and the counter subversive groups remained unhealed. The 1987-1990 era was termed the "*Bheeshana Yugaya*" (*Era of Terror*). Due to the mass scale disappearances and brutal killings that took place during this period, Sri Lanka earned an international reputation as one of the foremost countries in the world in which Human Rights Violations were rampant. Even during that era, International Organizations started to accuse the Government for having encouraged and tolerated the human rights violations. Government was held responsible for what happened to the citizens. At one state, Human Rights Observers were sent to the country to observe the situation, and in particular to keep a check on the nature of the treatment that was meted-out to suspects in Police custody. Some of the effects of these visits by Human Rights activists will be dealt with later.

We considered it necessary to deal with the matters stated above, since the investigation into the terms of reference in the warrant, is inextricably interwoven with the above. It was not possible to deal with the matters stated in the terms of reference in isolation, without giving due consideration to the background in which the relevant incidents occurred.

CHAPTER IV

The Batalanda Housing Scheme

In the early 1970s, the then government decided to manufacture certain essential fertilizers in Sri Lanka itself. It had been anticipated that, the local production of fertilizers would bring down the moneys spent on fertilizers, and thereby bring down the cost of production of agricultural products. In order to achieve this objective, the State Fertilizer Manufacturing Corporation was established.

One of the primary projects of the newly established Corporation was to set-up a Urea Manufacturing Plant. The necessary machinery for this project was obtained from a Company named Kellock in the United Kingdom. The same Company was entrusted the task of assembling the plant in Sri Lanka, and maintain it for a period of time. A site in Sapugaskanda was selected for the purpose of setting up the plant and a special laboratory for work connected with the Urea Plant. Since the foreign technical experts were going to reside in Sri Lanka for a considerable period of time, it was decided to build a housing scheme, for them to reside whilst in Sri Lanka. A coconut land XX acres in extent was selected for this purpose. The land is situated in the Batalanda Village. Batalanda is situated in the Biyagama Electorate, within the Administrative District of Gampaha. Proceeding on the Colombo - Kandy main road, at Kiribathgoda junction commences a road leading to Biyagama. This road is to the right, when proceeding from Colombo. The Biyagama road leads to Biyagama via the town of Sapugaskanda. Just before the Sapugaskanda town, is a turn-off to the left. This road lies virtually opposite the Sapugaskanda Police Station (which is situated on the right hand side of the Kiribathgoda - Biyagama road). Two Kilometers on the turn-off road, lies the village of Batalanda. The earlier mentioned land selected for the construction of the housing scheme is situated in the centre of this village. The land is approximately two and a half kilometers away from the State Fertilizer Manufacturing Corporation facility, which included the urea plant and the laboratory.

In the early 1970s, the construction of the housing scheme was completed for the use of the foreigners. There are altogether 64 housing apartments. Basically there are three types of houses. 10 type 'A' units, which are two storied houses, 15 type 'B' units, which are single story houses (twin apartments per unit), and 43 type 'C' units, which are dormitory style units. All the houses are numbered. The housing scheme is scattered all over the coconut estate. Infact, most of the original coconut trees are still present. From the Batalanda village road there is one entrance/exit to the scheme. There is a network of tarred roads within the housing scheme. On the left and right hand sides of the housing scheme is the Batalanda village. On the rear is a large paddy land. The whole scheme is secured with barbed wire.

In the centre of the scheme is an office complex. There is also a club house and a swimming pool.

The Commission obtained important evidence relating to the Housing Scheme, from the Liquidator of the State Fertilizer Manufacturing Corporation, Mr. Asoka Senanayake. Mr. Senanayake is an Engineer by profession. Having functioned as the

Competent Authority of the Government Owned Business Undertaking of United Motors, in 1984 the then Minister of Industries, late Mr. Cyril Mathew appointed him as the Chairman cum Managing Director of the Corporation. At the point of appointment, Mr. Senanayake had been briefed that, the government had earlier decided to liquidate the corporation, since it was continuously suffering losses. However, foreign Financial Institutions which had provided financial assistance for the project had objected to its liquidation. Hence, Mr. Senanayake had been instructed to attempt to resurrect the corporation, and make it viable. However, the attempts by the management to re-vitalize the corporation did not succeed. In 1986, the government once again decided to liquidate the Corporation, or to sell the management of the corporation to a private entity. Mr. Asoka Senanayake was appointed the Liquidator of the Corporation by the then Minister of Industries, Mr. Denzil Fernando. Even in 1997, when Mr. Senanayake was summoned to give evidence before the Commission, the process of liquidation was not complete.

By early 1980s, the foreigners left. The State Fertilizer Manufacturing Corporation allocated some of the houses of the scheme, to its Senior Officers. Some other houses were formally allocated to the Ceylon Electricity Board (C. E. B.), on formal agreements. These houses were occupied by some officers of the C. E. B. A few more houses were allocated for the use of Security Officers of a Private Security Firm known as 'Alpex Security'. This was because, the security of the Corporation had been entrusted to officers of this private security firm. The Corporation charged rent for the houses, from both groups of outsiders. By the mid 1980s, the Defence Ministry and the Army Headquarters officially requested the Corporation to release a portion of the housing scheme to the army, to set-up an Army Camp. Accordingly, an area on left of the housing scheme from its entrance (which protruded out of the scheme) was given to the Army. The Army set-up a camp, and the camp functioned even during the period of this Commission.

Even after the formal allocation of houses to officers within and outside the Corporation, a few more houses were vacant.

A sketch of the Batalanda Housing Scheme was produced before the Commission marked X 110.

Houses allocated on the instructions of Mr. Ranil Wickremasinghe

[Symbol * has been placed in front of houses which have been used to illegally detain and torture persons.]

[I] For the use of the former Minister and his staff

<i>Number</i>	<i>Occupied by</i>	<i>Period</i>
A 2/2	(i) Mr. Ranil Wickremasinghe Circuit Bangalow of the Ministry of Youth Affairs and Employment	02nd March 1983 to 30th April, 1989
	(ii) Mr. Ranil Wickremasinghe Official residence of the Minister of Industries	April 1989 to August 1994
A 2/1	Vacant Security Officers assigned to Mr. Ranil Wickremasinghe	1987 to April 1989 May 1989 to August 1994

<i>Number</i>	<i>Occupied by</i>	<i>Period</i>
A 2/3	(i) Assigned to the Ministry of Manpower Mobilisation, which Functioned under Mr. Ranil Wickremasinghe	01st November, 1988 to 25th October, 1989
	(ii) Mr. Vincent Fernando, Caretaker of the Bangalow of Mr. Ranil Wickremasinghe	25th October, 1989 to August 1994
A 1/7	Security officers assigned to Mr. Ranil Wickremasinghe	approximately mid 1989 to August 1994

Note : House number A 1/8 is situated immediately next to this house (on it's right hand side). The Liquidator of this house claimed that the house was kept vacant due to the want to extensive repairs. However, he received information that certain Police Officers were in unauthorised occupation of this house. It was not a house allocated to Police Officers, as per the scheme hereinafter mentioned. Witness Ajith Jayasinghe claimed that persons were unlawfully detained and tortured in this house. He pointed out the house to the Commission.

*B2	(i) Circuit Bangalow of the Fertilizer Manufacturing Corporation	till 1987
	(ii) Vacant	from 1987 to May 1989
	(iii) Office of Mr. Ranil Wickremasinghe	May 1989 to August 1994

Note : Witness T. M. Bandula claimed in evidence that, he was detained unlawfully in this house and tortured. He escaped from detention. The house was pointed out by him to the Commission (when the Commission proceeded to the Housing Scheme for inspection.) This matter will be dealt with later.

B1	(i) Circuit Bangalow of the Fertilizer Manufacturing Corporation	till 1987
	(ii) Vacant	from 1987 to May 1989
B7	(iii) Security Officers assigned to Mr. Ranil Wickremasinghe Mr. Sudath Chandrasekera, IP Personal Security Officer of	May 1989 to August 1994 01st May, 1990 to August 1994

Number	Occupied by	Period
	Mr. Ranil Wickremasinghe	

Note : House B 8, is situated immediately next to this house. Security officers assigned to ASP Douglas Peiris were residing in this house (B 8). Witness Earl Suggy Perera testified that, he was unlawfully detained and tortured in this house. The house was pointed out by the witness to the Commission.

[II] Assigned to ASP Douglas Peiris on the directions of Mr. Ranil Wickremasinghe

A ½	(i) Douglas Peiris, Headquarters Inspector, Peliyagoda	18th August, 1984 to 20th June, 1988
	(ii) W. Mahanayake, Headquarters Inspector, Peliyagoda	from June, 1988 to mid 1990
	(iii) H. G. Wickremasinghe, ASP Kelaniya	15th November, 1990 to 1996
A ¼	(i) ASP R. Dharmaratne	16th December, 1986 to 31st July, 1989
	(ii) ASP H. Chandradasa	02nd August, 1989 to 1996
A 1/5	SP Nalin Delgoda	02nd August, 1989 to 05th May, 1990
A 2/5	ASP Douglas Peiris	02nd August, 1989 to mid 1995

Note : Situated immediately in front of an identified unlawful detention centre cum torture chamber (B 8).

A 2/12	(i) Officer-in-Charge, Police Station, Kelaniya (Nor records as to who occupied the house.)	02nd August, 1989 to mid 1990
	(ii) N. M. S. B. Nissanka, IP Officer-in-Charge, Kelaniya	10th September, 1990 to 1996
B 6	By letter dated 02nd August, 1989 (document marked X 65) ASP Douglas Peiris has acknowledged that an Officer attached to the CSU Kelaniya resides. No evidence on the identity of the Officer.	
*B 8	Security Officers assigned to ASP Douglas Peiris	during the period 1988 to 1991

<i>Number</i>	<i>Occupied by</i>	<i>Period</i>
<p><i>Note : Identified by witness Earl Suggy Perera as the house in which he was unlawfully detained and tortured. Situated immediately in front of the house in which ASP Douglas Peiris lived. This house is also situated immediately adjoining to the house in which Sudath Chandrasekera, IP, Personal Security Officer to Mr. Ranil Wickremasinghe resided.</i></p>		
B 10	(i) Ranatunge, PC officer attached to CSU Kelaniya	02nd August, 1989 to late 1990
	(ii) V. A. Sunil Perera, PC	15th February, 1991 to 1996
B 13	Ranjith wickremasinghe, CI Officer-in-Charge, CSU Kelaniya	02nd August, 1989 to 1996
B 20	Kanthi Fernando, WPC Officer attached to CSU Kelaniya	02nd August, 1989 to 1996
B21	Lakshman Dias PS Officer attached to CSU Kelaniya	02nd August, 1989 to 1996
B23	Heenbanda, PC Officer attached to CSU Kelaniya	02nd August, 1989 to 1996
*B34	Assigned to the Sapugaskanda Police Station	

Note : Witness Wasala Jayasekera identified this house as the house in which he was unlawfully detained and tortured.

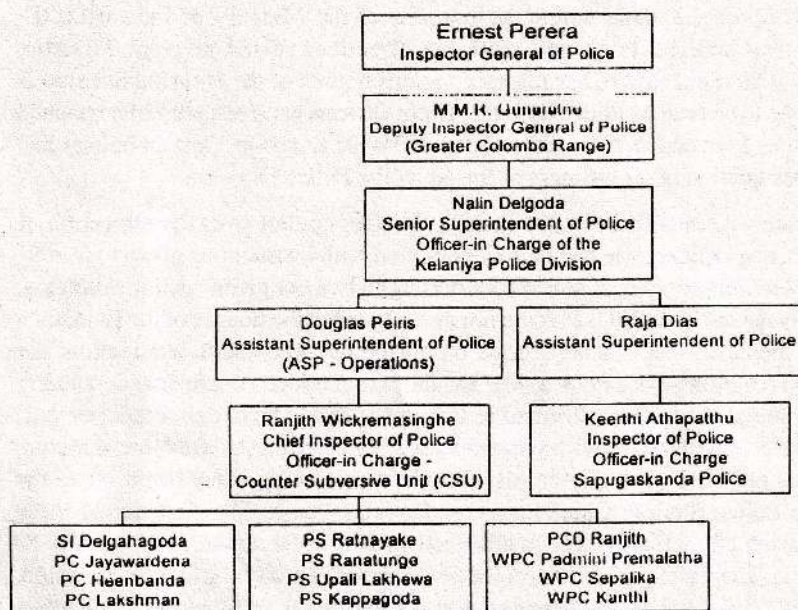
[III] House used by Police Officers without any authority

*A 1/8 Abandoned house due to want of repairs.

Noted by Officers of the State Fertilizer Manufacturing Corporation that, Police Officers were frequenting. The Liquidator of the Corporation Mr. Asoka Senanayake has been informed. He has reported to the Peliyagoda Police. Has also informed Mr. Ranil Wickremasinghe. No action taken. Situation has remained the same. Witness Ajith Jayasinghe identified this house as one in which persons were unlawfully detained and tortured. Situated Immediately adjoining A 1/7, in which Security Officers of Mr. Ranil Wickremasinghe were residing.

Organisational Structure Of Police Officers

[Those Relevant to the Commission]



CHAPTER V

**The Establishment and the Maintenance of Unlawful Detention
Centers and Torture Chambers****Allocation of Houses to Police Officers.....**

According to the available material, in mid 1989 the then Minister of Industries Mr. Ranil Wickremasinghe contacted the Liquidator of the State Fertilizer Manufacturing Corporation Asoka Senanayake over the telephone, and instructed him to allocate some houses in the Batalanda Housing Scheme to Police Officers. It appears that, no formal instruction had been given in writing by the former Minister. Since the Corporation came within the purview of the Ministry of Industries, the Liquidator was obliged to comply with the directives of the relevant Minister. Accordingly, Mr. Senanayake has released various houses of the Housing Scheme at various stages to be used by Police Officers. These Officers had been primarily attached to the Counter Subversive Unit of the Kelaniya Police Division. Certain houses had also been assigned to other Officers of the Kelaniya Police Division.

Mr. Senanayake testified that, he had no effective control over the allocation of houses to Police Officers. He had merely complied with instructions given to him by Mr. Ranil Wickremasinghe. If Mr. Wickremasinghe had not given such instructions, Mr. Senanayake testified that, he would not have allocated the houses of the Batalanda Housing Scheme in that manner. Based on all the documentation available at the Corporation regarding these houses, Mr. Senanayake produced a schedule containing details relating to the houses allocated to Police Officers, and certain other persons. This schedule was marked and produced as X25. According to available material, these houses had been primarily entrusted to the then Headquarters Inspector of the Peliyagoda Police Station, Chief Inspector Douglas Peiris. The first out of these houses (bearing No. A1/4), had been allocated on 16th of December, 1986 to ASP R. Dharmaratne. Thereafter, on various occasions number of houses have been allocated. From the totality of the available material, it is clear that the Officer who had taken over these houses from the Corporation had been Mr. Douglas Peiris. He has thereafter allocated these houses to various Officers.

On or about the 02nd of August, 1989, Mr. Asoka Senanayake has received a letter from ASP Douglas Peiris, stating that approximately 10 houses were required from the Batalanda Housing Scheme for the residence of Police Officers of the Counter Subversive Unit (CSU) of Kelaniya. He has further stated in the said letter that, even at that time Police Officers of the CSU were residing in houses bearing Nos. B6, B8, B10, B13, B20, B21, and A2/5. He has requested that houses bearing Nos. A2/15 and A1/5, be also allocated and released. A copy of this letter was marked and produced before the Commission as X65.

The State Fertilizer Manufacturing Corporation has not entered into any formal agreement with the Police Headquarters or with the relevant Police Officers, at or

about the time at which these houses were released or thereafter. In the case of the houses being allocated to Officers of the Ceylon Electricity Board the situation had been quite different. It had been a formal arrangement. Unlike the other Officials who occupied houses at the Batalanda Housing Scheme, the Police Officers who resided in these houses did not even have to pay rent. They were only required to pay the electricity and water bills.

As regards the position of the Police Department, the Commission examined the then Inspector General of Police Mr. Earnest Perera. He testified that, both he and the Police Department was not involved in the relevant transaction. Mr. Perera stated that, on the given occasion, no body consulted him, and that he was not involved in the matter. He also stated that, having considered the presently available material on this issue, to him it appeared as a "*Private transaction between Mr. Douglas Peiris and those of the Corporation and the relevant Minister*".

The Commission was assisted by Counsel representing the Hon. Attorney General in scrutinizing the formal procedures which were available for acquisition of houses for the use of Police Officers, as their quarters.

During the relevant period, the following methods were available :

- (a) The Police Department constructs housing units, and then allocates the apartments to Police Officers. Most of these houses are situated in premises of Police Stations itself. There are certain other places where the relevant apartments are situated outside. At Qew Road in Slave Island, Colombo 2, there are a series of such apartments.
- (b) Police Departmental Orders B 11, facilitates the renting out of houses owned by private individuals/organizations/institutions, for the use of Police Officers. Under this scheme, it is imperative that a certain procedure is followed. The relevant procedure includes the entering into a formal agreement between the relevant parties. It is clear that, with regard to the renting out or leasing of such premises, the relevant representative of the Police Department who is required to take the necessary steps is the Officer-in-Charge of the relevant Police Division. A copy of the relevant Police Departmental Order (B 11) was marked and produced X 62.
- (c) During the period pertinent to this commission, the Executive had promulgated Emergency Regulations, under the provisions of the Public Security Ordinance. Regulation 8(7) of the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 1989, published in the Government Gazette of 20th June, 1989, empowers the Secretary to the Ministry of Defence to requisition immovable property owned by any person/Organisation/institution, and vest that property temporarily to any person, for that persons's use. A copy of the relevant Gazette was marked and produced as X 83. It was contended by the then IGP Mr. Ernest Perera, and DIG M. M. R. (Merril) Guneratne, that this power vested on the Secretary to the Ministry of Defence, facilitated the Police Department to obtain housing units for the use of Police Officers expeditiously.

It was common ground that, in mid 1989, when the subversives started to threaten Police Officers and their families, and when Police Officers and their families were being targeted, it became necessary to provide safe housing for the Police Officers and their families. They had to be moved into secured places. According to Mr. Nalin Delgoda, Mr. M. M. R. Guneratne and Mr. Ranil Wickremasinghe, the Batalanda Houses were the most appropriate houses to temporarily house Police Officers of the area, who were under threat by the subversives.

The earlier mentioned procedure laid down in Police Departmental Orders B 11, was quite cumbersome, and the relevant procedure could not be used to obtain housing units expeditiously. Hence, the afore-mentioned Emergency Regulations were promulgated. It was admitted by the relevant authorities that, the scheme provided for the Emergency Regulations were quite effective and efficient. There were no reasons as to why a Police Unit urgently in need of safe housing, could not request the Secretary to the Ministry of Defence (through the appropriate channel) to requisition houses identified for the relevant purpose. It was also the consensus of opinion that, whatever the procedure used in the acquisition of houses were, upon premises (whether owned by the Police Department or not) being used by Police Officers for residential use, it is the Officer-in-Charge of the relevant Police Division, who should supervise the relevant houses. He has also the duty of allocating the houses. He is also required to conduct a bi-annual personal inspection. Details relating to the allocation and the use of the relevant premises has to be recorded in a special Register by the Officer-in-Charge of the Police Division.

Since the duty of attending to the allocation and the supervising of houses used as quarters by Police Officers, clearly lay in the hands of the Officer-in-Charge of the relevant Police Division, Mr. Nalin Delgoda was extensively examined by Counsel in this regard. Mr. Delgoda a Senior Superintendent of Police during the relevant period, was the Officer-in-Charge of the Kelaniya Police Division. The Batalanda Housing Scheme falls within the ambit of the Kelaniya Police Division (within the area of the Sapugaskanda Police Station), and all the Police Officers who have lived in the Scheme had been attached to the Kelaniya Police Division.

According to Mr. Delgoda, it had been Mr. Douglas Peiris who had requested Mr. Ranil Wickremasinghe to release some houses of the Batalanda Housing Scheme to Police Officers of the area. Prior to making the request, Mr. Peiris had not sought his permission, eventhough he (Mr. Delgoda) was Mr. Peiris's Superior Officer. At no point had Mr. Peiris discussed the need to obtain houses in a secured place, for the use of Police Officers of the area. Having obtained the approval from Mr. Ranil Wickremasinghe, Mr. Peiris received the houses from the Liquidator of the Corporation. Having secured houses from the Scheme, Mr. Peiris allocated the houses to fellow Officers arbitrarily. Even at that stage, he (Mr. Delgoda) had not been consulted.

Mr. Delgoda added that, Mr. Peiris was not officially entrusted the task in securing houses for fellow Officers. In spite of that, Mr. Peiris had proceeded to make this

request to Mr. Ranil Wickremasinghe. Neither Mr. Wickremasinghe nor the Liquidator of the Corporation sought his observations or views on the matter, either before or after the release of houses to Mr. Douglas Peiris. Further, according to the evidence, without the sanction of Mr. Ranil Wickremasinghe, it was not possible for any Police Officer to obtain houses from the Batalanda Housing Scheme.

Mr. Delgoda got to know that Police Officers of his division (in particular Officers of the Counter Subversive Unit of the Kelaniya Division) were residing in the Scheme. Mr. Delgoda admitted that the whole transaction was unofficial and irregular, and was contrary to the relevant Police Departmental Regulations in force during the relevant period. Eventhough under the relevant regulation, he being the Officer-in-Charge of the Police Division was required to be in charge of an supervise such houses being occupied by Police Officers, he did not perform any of such duties entrusted to him by the departmental regulations.

When we examined the relevant Police Regulations on premises occupied by Police Officers, it became apparent that, they were designed to regulate the allocation and the use of such property effectively. They were also designed in such a way, to ensure that such premises are not used for illegal activity. Further, due to the proper supervision, even if such premises are found to have been used for an illegal activity, a particular identifiable Officer could be held accountable for such illegal activity.

Having considered the manner in which the relevant houses had been obtained and allocated, it is clear that Mr. Peiris had ensured that no proper supervision of what took place inside these houses would be affected by superior Officers.

However, even though Mr. Douglas Peiris had clearly acted contrary to accepted Police Regulations on the matter of obtaining houses for the use by Police Officers, can Mr. Delgoda be totally exonerated from the allegation that he did not enforce the relevant Police Regulations? It is clear that Mr. Douglas Peiris has acted contrary to the relevant regulations. This was accepted by Mr. Delgoda. If so, what steps did Mr. Delgoda take as the Officer-in-Charge of the Kelaniya Police Division? He has not called for the explanation from Mr. Peiris. He has not notified the Police Headquarters of the irregularity. Nor has he taken any steps to subsequently regularize the matter.

What was interesting was that, eventhough Mr. Delgoda attempted to distance himself from the Batalanda Houses, and disassociate himself with the action taken by Mr. Peiris in this regard, he too has benefited from this 'project'. According to Mr. Delgoda, he had come to know from ASP Peiris that, one of the houses in the Batalanda Housing Scheme had been allocated by him (ASP Peiris) for the 'Superintendent of the Kelaniya Division'. During this period, it was Mr. Delgoda who was the SP of the Kelaniya Division. Mr. Delgoda said that, the relevant house had not been obtained by ASP Peiris from the Corporation with his permission. He also testified that he never occupied the relevant house, and that he had not even gone into the house. During the relevant period, Mr. Delgoda stated that he lived in his own house situated in Kirulapona. He added that the keys to the relevant house were never with him, and that they were kept at the Sapugaskanda Police Station. However, Mr. Delgoda did not take steps to return the house to the Corporation, since it was not being used by

him. He explained that it was for the future use of any Officer who succeeds him. However, it was the position of the then Inspector General of Police Mr. Ernest Perera that, if Mr. Delgoda in fact never resided in the house at Batalanda, he should never have kept the house vacant for the future use of another Officer, since the vacant premises could have been used by some one for an improper purpose. Further, Counsel assisting the Commission confronted Mr. Delgoda with a Certificate dated 24th of September, 1990, issued by the Grama Sevaka of Sapugaskanda. The relevant certificate has been counter signed by the Assistant Government Agent of Biyagama. This document was produced marked X 91. This document stated that, Senior Superintendent of Police N. S. W. Delgoda has been a permanent resident of the Batalanada Housing Scheme belonging to the State Fertilizer Manufacturing Corporation. Mr. Deloda's explanation to this document was that, he was unaware of the circumstances under which this document had been issued in 1990. Further, upon extensive examination of PS 4157 Mahadurage Ranatunge, an Officer attached to the CSU of Kelaniya, it was revealed that Mr. Delgoda was in the habit of frequenting the house allocated to him, and occasionally taking a change of clothes. Be that as it may, according to the material provided to the Commission by the Liquidator of the Corporation Mr. Asoka Senanayake, house bearing No. A 1/5 had been allocated to Mr. Nalin Delgoda, Superintendent of Police from the 2nd of August, 1989 to the 9th of May, 1990. Due to the multifactoral circumstances, we are of the opinion that Mr. Delgoda cannot be permitted to distance himself for securing of and the allocation of houses to Police Officers.

From the available material, it is clear that by early 1990, the Police Headquarters received information that, in certain areas Police Officers had secured temporary housing facilities contrary to accepted procedures. Mindful of the various problems that could arise as a result of such informal procedures, and the opportunity that would arise to use such premises for illegal activity, on the 14th of February, 1990, Deputy Inspector General of Police (Support Services), Kinsly Wickremasuriya (on behalf of the IGP) has issued a set of directives (published in the Police Gazette), aimed at regularizing such irregular activities. A copy of the relevant Gazette was produced marked X 64. However, even after the receiving of such directives, neither the Officer-in-Charge of the Kelaniya Division Mr Delgoda nor the Officer who secured the relevant houses Mr. Peiris, has taken any steps to regularize the acquisition of the Batalanda Houses. Even from that point of time, (as directed by the relevant directives) none of the Officers have commenced to pay rent for the houses to the Corporation.

As stated previously, during the relevant period the Kelaniya Police Division fell within the ambit of the Greater Colombo Police Range. It was Mr. M. M. R. (Merril) Gunaratne who was the Deputy Inspector General of Police in charge of the relevant Police Range. In the line of command, ASP Douglas Peiris was answerable to SSP

Nalin Delgoda, Mr. Delgoda was answerable to DIG M. M. R. (Merrill) Gunaratne, and he (Mr. Gunaratne) was answerable to Inspector General of Police Mr. Ernest Perera. Therefore, it became necessary to ascertain the position of Mr. Gunaratne with regard to the securing of and the allocation of the Batalanda Houses. He stated that, somewhere in 1989, soon after he assumed duties as the DIG of the Greater Colombo Police Range, SSP Nalin Delgoda informed him at an unofficial discussion that, Officers of the Kelaniya CSU were occupying some houses at the Batalanda Housing Scheme. There had been no formal written communication on this matter. Mr. Delgoda has also said that, he too got one of the houses. Mr. Gunaratne admitted that even though the normal procedure laid down in the Police Orders (B II -X 62) was cumbersome and could not be given effect to expeditiously, the requisitioning procedure laid down in the Emergency Regulations (X 93) were quite effective and efficient. He saw no impediment for its use in the acquiring of the Batalanda Houses.

Mr. Gunaratne admitted that the Batalanda houses had been obtained informally. His position was that even though there were valid reasons for having secured houses at Batalanda for the temporary use by Police Officers under threat, the procedure followed, paved the way for the houses to be used for even illegal purposes. He admitted that the casual procedure followed by ASP Douglas Peiris could lead to problems. Mr. Gunaratne stated that, he was unaware of any other place in the entire country in which Police Officers had secured housing facilities in such casual manner and contrary to all accepted practices and procedures. If so, even after having received information regarding this 'project', what steps did Mr. Gunaratne take in this regard? He admitted that, he did not take any steps to regularize this matter or to reverse it.

As mentioned earlier, during the height of the subversive activity, there was in fact a threat to Police and Armed Forces Personnel. By mid 1989, not only were the Officers who were directly concerned in investigations and operations against subversives under threat, all other officers were also under severe threat. The mother and three other close family members of Deputy Inspector General of Police of the Southern Range Dharmadasa Udugampola were murdered by suspected JVPers, and his ancestral house in Galle was set on fire. Several other Police Officers were also murdered. This included Superintendent of Police Terrance Perera. In fact there were two attempts on the life of Chief Inspector Ranjith Wickremasinghe, the Officer-in-charge of the CSU of Kelaniya. Under these circumstances, it could be considered quite justifiable that secured places of abode had to be found for those under threat. However, how should the relevant authorities have set about it? It had to be done in accordance with the prevailing law and regulations. It had to be also attended to, without paving the way for the misuse of the relevant premises. Further, there should not have been a 'hidden agenda'.

However, if the reason for the securing of houses and the allocation of the same, was due to the reasons mentioned above, temporary housing should have been provided only when there was actually a need. According to all the Police Witnesses, the actual and direct threat from the subversives commenced somewhere in mid 1989. Even according to the evidence of Mr. Ranil Wickremasinghe, the real threat

by the subvrsives came some where in July-August 1989. According to available material, posters had come-up all over the country, purportedly to have been issued by the 'Deshappremi Janatha Vyaparaya', directing Police and Armed Forces personnel to resign from their posts. In the alternative, it had been stated that they and their families would be killed. These posters had also come-up in mid 1989. However, from the material provided by the State Fertilizer Manufacturing Corporation (which was not challenged by other witnesses), the first Police Officer to have received a house from the Batalanda Housing Scheme, ASP R. Dharmaratne of the Kelaniya Police Division had received the house (bearing No. A 1/4) on the 16th of December 1986. What was the necessity to have given a house to this Police Officer in 1986 ?

Further, the Police Headquarters had taken cognizance of the fact that, temporary houses procured for the use of Police Officers had to be returned to the owners soon after the situation in the country returned to normalcy. According to available material, the situation had gradually returned to normal after the killing of the leadership of the JVP. By mid 1990, the situation had returned to normalcy, and the threat to Police Officers had weaned off. Therefore, by way of circular No. 839/90 (dated 13th February, 1990), Senior Deputy Inspector General of Police (Administration) acting on behalf of the Inspector General of Police, issued a directive to all the Officers-in Charge of Police Divisions, that all houses and other buildings acquired under the Emergency Regulations be returned to the owners with immediate effect. A copy of this circular was produced before the Commission marked 'X 93'. However, we observe that, the Officer-in-Charge of the Kelaniya Police Division SSP Nalin Delgoda has not taken any steps in this regard. He has not initiated action to return the Batalanda Houses which were occupied by Police Officers. We do not accept the defence that, those houses were not returned to the Corporation, since they had not been obtained under the provisions of the Emergency Regulations. The essence of the aforementioned circular is that, all houses obtained temporarily during the period of threat be returned since the threat was no more. On the contrary, the relevant Police Officers continued to use the houses till the end of 1994. In fact some of them used the houses till the establishment of this Commission, How can that be explained ?

It is quite clear from the available material that, in so far as the securing and the allocation of the houses at the Batalanda Houses are concerned, the main architects had been, the then Minister of Industries Mr. Ranil Wickremasinghe, and the then Officer-in-Charge of the Peliyagoda Police Station (who subsequently became ASP Operations of the Kelaniya Police Division), Mr. Douglas Peiris. As mentioned earlier, Mr. Peiris absconded and left Sri Lanka during the pendency of this Commission. Therefore, we were unable to axamine Mr. Peiris and record his evidence. As there is no material offered on behalf of Mr. Peiris, we are unable to consider his version and explanations on this matter. However, in arriving at findings, we have considered positions put to witnesses, by his Counsel. Further, his conduct of absconding, may have been prompted by amongst other reasons, his inability to explain his conduct in relation to the securing and the allocation of the Batalanda Houses. However, the

Commission did have the opportunity of examining Mr. Ranil Wickremasinghe. We now wish to consider his version on this matter.

According to the testimony of Mr. Ranil Wickremasinghe, in 1989, former Minister of National Security late Mr. Ranjan Wijeratne requested him to release several houses in the Batalanda Housing Scheme to the Police and the Army. This request had been backed by requests from the Army and the Police. Mr. Douglas Peiris had also made a similar request to Mr. Wickremasinghe. Mr. Wickremasinghe recalled that the Police made the request at a Security Coordinating Meeting held in Gampaha. He did not specify the name of any particular Police Officer who made such a request on behalf of the Police, other than Mr. Peiris. Further, upon being questioned as to whether the divisional Officer-in-Charge Mr. Nalin Delgoda made such a request, Mr. Wickremasinghe did not answer in the positive or the negative. It was the position of Mr. Delgoda that, he did not make such a request. Mr. Wickremasinghe did not state that there was any request in writing to him, either by a Police Officer or by the Police Headquarters. In fact Mr. Wickremasinghe proceeded to testify that, he requested the relevant Officers to make requests orally. However, he did not say why he did not advise the Officers to make requests in writing. Thereafter, at some stage, Mr. Douglas Peiris had made a request in writing too, to the Liquidator of the Corporation, and he had sent it to Mr. Wickremasinghe's Ministry (Ministry of Industries). Mr. Wickremasinghe admitted that, soon after the earlier mentioned meeting at Gampaha, he instructed the Liquidator Mr. Asoka Senanayake to assign some houses to be given to Police and Army Officers. He had said that, the houses were being given on a Government decision. Thereafter, Mr. Peiris had forwarded a letter to the Liquidator (X 65), and the Corporation had released the houses to Police Officers. Mr. Wickremasinghe admitted that the Liquidator had given the houses to Police Officers, since he had given instructions to such effect. Even before the threat to Police Officers by subversives, in 1986 when Mr. Wickremasinghe was the Minister of Youth and Employment, he had given approval to a house being released to ASP Dharmaratne, in his capacity as the Member of Parliament of that area. However, Mr. Wickremasinghe did not venture to explain as to how he by being the MP for the relevant area (Biyagama), without being even the Minister-in-Charge of the Corporation could give such approval.

Mr. Wickremasinghe being confronted with the position that, these houses had been released to Police Officers on his instructions, contrary to Police Departmental Regulations and Emergency Regulations on the acquisition of houses, said that during the relevant period the Government had given authority to even break into houses and enter (for residential purposes). However, Mr. Wickremasinghe could not substantiate his position by producing any document containing such authority being vested on the Police by the Government. According to him, such authority had been given by late Mr. Ranjan Wijeratne orally. It is surprising that former IGP Mr. Earnest Perera, the then DIG of the Greater Colombo area Mr. M. M. R. (Merrill) Guneratne and the then Officer-in-Charge of the Kelaniya Police Division Mr. Nalin Delgoda, being extensively questioned in this regard, made no mention of such 'oral

authority' being given to Police Officers. If such authority had been given, we see no reason as to why any of those Officers not having mentioned about it. Further, we cannot expect any Minister of a responsible Government to have given only oral instructions on such an important matter. Even if in the exigencies of the situation oral instructions had to be given, one has to expect it (the instructions) to have been subsequently ratified in writing. In the circumstances, we reject Mr. Wickremasinghe's position that Mr. Ranjan Wijeratne had given oral authority to Police Officers to acquisition houses in such a summary and informal manner.

Mr. Wickremasinghe also cited an example of another location in which houses belonging to a government institution had been given to Army and Police Officers in a manner not permitted by the Emergency Regulations. According to him, certain houses in the 'Digana Housing Scheme' belonging to the Mahaweli Authority had been given to Army and Police Officers, in a manner similar to the giving of houses to Police Officers at Batalanda. He did not produce any documentary evidence to that effect. Subsequent investigations conducted in this regard (after Mr. Wickremasinghe gave this evidence) indicate that none of the houses in Digana had been allocated to Army and Police Officers in 1989, in such an informal manner. Further, even if in Digana such an unauthorized procedure had been followed, it would not serve as an excuse for having released the houses at Batalanda to Police Officers in an irregular manner. Further, none of the Senior Police Officers were aware of any other instance in the entire country, in which houses had been allocated to Police Officers, in the manner stated above. There had been temporary acquisition of state premises such as Schools and community centres during the height of subversive activity, to provide 'temporary' housing for Police Officers and their families. However, there had been no other occasion according to their knowledge, wherein a Government Minister had intervened and provided housing facilities to Police Officers. In all other instances where houses were obtained on a long term basis, either the procedure laid down in the Emergency Regulations had been followed, or the premises had been obtained in the manner prescribed in the earlier mentioned Police Departmental Orders. Therefore, the allocation of the Batalanda Houses to Police Officers to, say the least has been 'extra-ordinary' and 'totally irregular'.

As mentioned earlier, Mr. Ranil Wickremasinghe attempted to persuade the Commission to accept the fact that, he merely complied with the request made by Late Mr. Ranjan Wijeratne and by Police Officers (at the Security Coordination Meeting held in Gampaha). We are not in a position to verify the accuracy of Mr. Wickremasinghe's testimony on this matter due to the reason that, due to this untimely death, Mr. Ranjan Wijeratne is not available for examination by the Commission. Further, there is no documentation to such effect. None of the Senior Police Officers who gave evidence (who had also participated in Security Coordination Meetings held in the Gampaha Katchcheri) testified to such effect. Further, in the event of the Police making such a request at the meeting, it would have been backed up with a written request. Even in the letter sent by Mr. Douglas Peiris to the Corporation requesting for houses, there is no mention of a decision arrived at a Security Coordinating meeting in Gampaha, or to a request made by late Mr. Ranjan Wijeratne. In which event Police Headquarters would have got involved officially. We recall that, Mr. Ernest Perera said that the whole transaction had been a 'private' one of Mr.

Douglas Peiris. If there was an official request by the Police to Mr. Ranil Wickremasinghe, either the former IGP or the former Officer-in-Charge of the Kelaniya Police Division would have testified to such effect. Due to the aforementioned reasons, we reject the version of Mr. Ranil Wickremasinghe, regarding the alleged reasons for his having directed the Fertilizer Manufacturing Corporation to release certain houses to Police Officers.

Reason to use the Batalanda Houses for illegal purposes

As the threat posed by the subversives escalated, the State too took serious cognizance of the problem. The primary focus of the State was to curb the ever increasing spate of violence. The threat to Politicians of the ruling party was serious. It became difficult for most of them to even get on their normal life. Government property was also under serious threat. The escalation of violence had a de-stabilizing effect on the government. It also affected the process of governance. The main threat to the ruling United National Party government was from the Janatha Vimukthi Peramuna. The government of the day perceived that, the political propaganda of the JVP was helping the opponents of the government who were acting legally, within the democratic framework. Eventhough the modus-operandi of the JVP was quite different to the other Political opponents of the UNP, at the peripheral level, there was evidence that JVPers and the Political activists of the Democratic Political parties (opposed to the UNP) were working parallel, in democratic political activities. There was also intelligence suggestive of the fact that, JVPers had surreptitiously infiltrated into the ranks of Democratic Political Parties opposed to the ruling UNP. From a strategic point of view, this would have helped the JVP activists too, since their political identity would then be in doubt. Hence, the government had more than one reason to take steps to curb the violence perpetuated by the subversives.

The government primarily made use of the Police to take action against the subversives. There is evidence that during the latter part of the insurgency, the Police by itself became inadequate to deal with the problem, and hence the Army too had to be brought in, to take action. Apart from taking preventive steps in the form of guarding Politicians and government property, the Police were required to investigate into subversive activities. Gathering intelligence was an important aspect of the operation against the subversives. Intelligence relating to the subversive movement was gathered not only through informants who worked for the government, but also from questioning subversive suspects who had been arrested by the Police and detained. This method proved to be a direct way in which reliable intelligence pertaining to the subversive movement and its plans could be obtained. Hence, the questioning of subversive suspects in custody played a vital role in the operation against the JVP.

The main arm of the Police which was instrumental for the operation against the JVP, were the Counter Subversive Units (CSUs) which were set-up in all the Police divisions. The Units were led by Assistant Superintendents of Police, who were referred to as the 'ASP-Operations'. These ASPs were answerable to the officers-in-Charge of

the relevant Police Divisions (who generally were officers holding the ranks of Superintendents of Police or Senior Superintendents of Police), and they in turn were answerable to the Deputy Inspectors General of the relevant Police Ranges. There was an Officer-in-Charge for each Unit (generally holding the rank of an Inspector or a Chief Inspector), and a group of about 10 to 15 Junior Officers. The CSUs were required to coordinate its activities with the assistance of Officers-in-Charge of the Police Stations of the area. OICs of the Police Stations worked closely with the CSUs, by channelling investigation and also assisting investigations being handled by the CSUs. They were also required to supply support services to the CSUs. In certain occasions, they had to provide additional manpower required to carry out operations. In most of the areas, the CSU was housed in a Police Station within the relevant Police Division. Suspects arrested by the CSUs were primarily detained under the supervision of the relevant CSU, in the cells of the relevant Police Station. In most areas, the CSUs didn't have a cell of their own, to detain suspects. In special cases, specialized Police branches such as the Criminal Investigations Department (CID), and the Crime Detective Bureau (CDB) were required to conduct investigations into offences alleged to have been committed by subversives.

As the government's operation against the subversives gathered momentum, allegations against the State started to surface. It was alleged that persons who were being arrested by the Police were disappearing. The due process of law was not being given effect to relating to the suspects who were being arrested. It was also alleged that persons who were being arrested in relation to allegations of being involved in subversive activity, were being subjected to cruel and inhuman treatment, in the form of torture. (In a particular Fundamental Rights case filed on behalf of an alleged subversive suspect, the Supreme Court ruled that he had been subjected to torture, by an Inspector of Police, by the latter using a plier and extracting the suspects teeth.) It was also being alleged that some of those who had been arrested by the State agencies were done to death (may have been after seriously torturing them). It was alleged that, the bodies of some of those done to death with, were put on public places, and the bodies burnt after putting tyres on them. This phenomena was commonly known as 'tyre pyres'. Mr. Ranil Wickremasinghe stated that, even in the Parliament Hon. Members questioned the government of the surfacing of burnt bodies of youth in public places. When ever such bodies surfaced, the Police and the Army came under heavy criticism by the public and Politicians of the Opposition. The theory adduced by the critics was that the murders were committed either by the Police and the Army, or that they were done by others, with the patronage of the Police and the Army. These para-military groups who appeared to enjoy patronage of the State were referred to as 'vigilante groups'. Some of the names of these groups were 'Praa', 'Kola Koti (Green Tigers)', Kaha Balallu (Yellow Cats)', Black Cats' and 'Divi Makuluwa (Tarantula)'. It was alleged that, they worked hand-in glove with the Police and the Army. The identity of the members of these groups were in doubt. It was alleged that in certain areas of the country, those in the Police were acting as members of these groups, and going on a killing spree. In fact according to former Minister Mr. John Amaratunge,

he had been under the impression that the group known as 'Black Cats' consisted of Police Officers, and that it was an arm of the Police, such as the CID and the CDB. We are sure that as a responsible senior Politician and a former Minister would have had valid reasons for having held that impression. He would have gathered appropriate information to form that impression. Hence, it shows that, there were valid reasons to believe that the Police too had a hand in the activities of these 'vigilante groups'. Whatever their identities, their activities were quite clear. They targetted suspected subversives and murdered them.

According to DIG M. M. R. (Merril) Guneratne, whenever burnt bodies surfaced, he had been used to taking the OIC of the relevant area to task. He cited an example in Nittambuwa, wherein he had commented adversely on the OIC of the area, Inspector Laantra. Mr. Guneratne's position was that, to put the culpability to the minimum, such acts could not happen without at least the knowledge of the OIC'. The actual position could have been different. As the situation became worse, the IGP was compelled to issue a circular on the matter. By way of Circular No. SCD/Cir/18/90 dated 31st August 1990, addressing all the DIG's and SSP's, Mr. Ernest Perera, inter-alia states that, "Despite instructions issued by me by TMM dated 02.03.1990 and 08.03.90, dead bodies which are burnt or otherwise, are still being found in many Police Station areas. It appears, that most of the bodies are transported by night to the places where they are abandoned."

As the allegations grew, well minded groups concerned about the safeguarding the basic human rights of citizens, commenced agitating against the deteriorating condition in the country. Available material indicate that, even the United Nations Human Rights Commission took serious cognizance of the situation in Sri Lanka. At it's biannual sessions held in Geneva, the Commission discussed the Human Rights situation in Sri Lanka. Two Attorney's General (initially Mr. Sunil De Silva, PC and Subsequently Mr. Tilak Marapone, PC) were sent to the Commission to represent the Government. The position was alarming to such an extent that, in 1989, the International Committee of the Red Cross (ICRC) decided to send a team of observers to monitor the situation in Sri Lanka. These delegations visited Police Stations and other legitimate places of detention, and inquired about the welfare of suspects. Their primary attention was to inquire and ascertain whether subversive suspects in police custody were being subjected to cruel inhuman and degrading treatment. They were also concerned about the alleged disappearance of subversive suspects whilst in police custody, and the deaths of suspects in Police custody. It appears that the foreign observers have adversely commented on the prevailing situation in Sri Lanka to such an extent that, in June 1990, the then IGP Ernest Perera had to warn Police Officers regarding the situation. By way of Circular dated 26th June 1990 bearing No. SCD/Cir/9/90), the IGP has informed the DIG's of the Ranges and the Officers-in-Charge of the Police Divisions inter-alia that, "*The International Committee of the Red Cross now in Sri Lanka has commented adversely on the deaths of detainees held in Police custody..... You are advised to take the maximum security*

precautions, and thereby guarantee the safety of detainees in your custody....." (A copy of this circular along with certain other Police Departmental documents were produced before the Commission marked X 100.)

Due to these reasons, it would have become increasingly difficult to indulge in illegal activities on subversive suspects whilst they were in official custody, and whilst they were being detained in Police Stations. Therefore, those who were interested in continuing with inhuman and illegal practices had to find alternate venues. Infact, even before they felt the pressure, clever ones (Police Officers) would have found suitable places right at the outset of the 'war' against the subversives.

Use of the Batalanda Houses to illegally detain and torture persons

What is the type of place, that would have been suitable to detain persons illegally and subject them to cruel inhuman and degrading treatment ? It had to be a secure place. The venue should not have been accessible to normal members of the public. It had to be a place which was under the control of the relevant persons. The opportunity for those around the venue to gather information on the nature of the activities going on, should be remote. It should not have been a recognized or registered place of detention. In the light of these requirements, we wish to consider the Batalanda Houses, which were released to Police Officers.

The Batalanda houses were not officially recognized as quarters in which Police Officers resided. Infact, there were no documents at the Police Headquarters whatsoever, suggestive of the fact that Police Officers were residing there. The housing scheme was well secured. It was not openly accessible to the public. Only selected persons were resident in the houses. The entire housing scheme was guarded by officers of the Army and the Police. Without prior sanction of those who were in authority, no visitors could come to the premises. Due to these reasons, the Batalanda Houses were ideal for the purpose. In fact the evidence of DIG M. M. R. (Merril) Guneratne too was that, in the event of Police Officers of the CSU Kelaniya requiring to illegally detain and torture suspects, the Batalanda houses allocated for the use of Police Officers were 'ideal for the purpose'.

If the Officers of the Kelaniya CSU in fact used the Batalanda Houses for this purpose, would it have been possible to obtain evidence to such effect ? If a suspect was being taken to such place of illegal detention, the relevant Police Officers would take steps to prevent the suspect from identifying the place of detention. A common method of doing so, would be to blind fold the suspect when he is taken there. Hence, even if the suspect is alive to tell the tale, he would some times not be in a position to identify the place of detention. This Commission received the evidence of nearly 10 witnesses, who had been arrested within the Kelaniya Police Division, blind folded and taken to an 'unknown place of detention' and detained there in, prior to being transferred to a Police Station within the division. Further, if a suspect had been severely tortured after being illegally arrested and detained, it would be unlikely that

the suspect would be permitted to live for long. The perpetrators of such inhuman activity would not allow a seriously tortured victim to live, for him to speak out on a latter occasion. There could be cases where, after a period of illegal detention and torture, the relevant Police Officers were compelled to transfer the suspect to legal detention. Such cases would be far in between.

Due to these reasons, the Commission was mindful of the fact that, evidence tending to suggest that the Batalanda houses were used to illegally detain suspects and torture them, would be hard to come by. However, mainly due to the untiring efforts of the Investigative Unit and due to the courage of certain witnesses, evidence was received indicative very clearly of the fact that, some of the Batalanda Houses were infact used to illegally detain and torture persons. We now intend to list briefly some of the relevant evidence on this matter.

Earl Suggy Perera

Early Suggy Perera had been a labourer attached to the Ministry of Health since 1988. He had worked in the Ragama Rehabilitation Hospital during the relevant incident. A resident of Dalugama, Kelaniya, Suggy Perera in addition to working in the Ragama Hospital, had 'a part time business'. He ran a 'watch hut' type counter at the Kiribathgoda junction (in front of the Y. M. B. A. building), to sell Development Lottery tickets. Earl Suggy had the habit of manning the ticket counter in the evenings, after returning from work at the hospital.

On the 23rd of March 1990 around 7.30 pm, whilst Earl Suggy was inside the ticket counter, a white coloured van had suddenly approached the counter. Two men, wearing face masks armed with firearms alighted from the van, approached him, and inquired whether he was 'Sidney'. Persons living near Suggy's house had the habit of calling him 'Sidney'. However, since Suggy got frightened, he told the armed men that, he was not Sidney. The armed men, being not satisfied with the answers, dragged him out of the ticket counter, and pushed him into the van. The van then started to proceed. There had been several other armed men inside the van. Inside the van, the two men removed their masks. At that stage, Earl Suggy identified one of the abductors as Sergeant Major Ratnayake of the Kelaniya CSU. He had not been able to identify the other abductors. The van proceeded for several minutes on the Kandy road, towards Kadawatha. At Wewa'lduwa, the van came to a halt and a person got into the van. Suggy had identified this person as Police Officer Kappagoda (whom Suggy had known previously, since he was working in the Kiribathgoda area). Kappagoda had told the others inside the van that, "that person (Aruu) is there". The van had then proceeded for some distance again, and at a particular place the van had stopped and leaving Suggy in the van guarded by another person, the others left the van. After a short while they came back, along with a youth whom Suggy new as 'Kapila'. It was evident to Suggy that, Kapila had also been abducted. Thereafter, both Suggy and Kapila were blind folded and the van proceeded for about fifteen minutes.

At one point, the van was halted and both of them were taken out of the van. They were taken inside a building. Suggy got the impression that, it was a house. He heard

the noise of a television. They were thereafter taken into a room. Suggy testified that, whilst taking both of them, he was turned round several times at various places. We infer that, the abductors did so, in order to prevent the victims from getting to know of the direction to which they were being taken, after taking them out of the van.

Inside the room, Suggy lost track of what happened to his friend Kapila. Suggy was hand cuffed and chained from his feet. That night, he was kicked by several persons, whilst being questioned. Suggy was asked where his friends were staying. Suggy had not given detailed answers to the questions. That night, Suggy heard other persons screaming and crying. He had heard one person pleading "Sir, please kill me without hurting me any more". That night Earl Suggy had found it difficult to sleep.

The following day, Suggy had requested permission from his abductors to permit him to answer a call of nature. At that stage, his blinds and the chains used to tie his hand and feet had been removed and he had been taken to a toilet which was inside the same building. After he went inside the toilet, he had peeped outside from a small window. He saw, that the building was situated in the rear of a particular block of land. The rear boundary of the land was fenced with barbed wire. Beyond the fence, had been several small houses situated at a distance. Having seen the area through the window, Earl Suggy concluded that, what he saw were houses of the Batalanda Village. He had been to this village on numerous occasions, because some of his friends resided there. Earl Suggy had known for some time that next to the Batalanda village was the housing scheme of the State Fertilizer Manufacturing Corporation and that persons were being detained in some of those houses and tortured. Due to these reasons, Suggy concluded that, he had been brought on the previous night to the Batalanda Housing Scheme and detained there.

Early Suggy described in detail what happened to him during the ensuing days. He had been seriously assaulted by persons. Whilst assaulting him he had been extensively questioned about his associates. From the nature of the questioning, it appear that Earl Suggy had been questioned in relation to suspected subversive activities. A formal statement of Early Suggy had not been recorded. He had also seen other people who were detained inside the same building being assaulted. Specially during nights, he had heard persons screaming in pain. On a certain day, he had seen two persons being hung upside down. Suggy had seen those persons bleeding too.

After a few days of detention, ASP Douglas Peiris came inside the building in which he was being detained. Suggy knew ASP Peiris prior to this incident. He had seen him traveling about in the Kiribathgoda area. ASP Peiris inquired from those who were on guard whether he (Suggy) was the person named Sidney. Thereafter, ASP Peiris had assaulted Suggy and gone away. Even after ASP Peiris came and inspected persons being detained in the building.

During the period of detention, on several occasions Suggy was dressed up in female clothing and put on a ladies wig. He was taken away to the Kiribathgoda town

by Sergeant Ratnayake and party. At Kiribathgoda, he was ordered to show his friends. Eventhough, Suggy had seen several of his friends going about, Suggy had not shown any of them to Ratnayake, fearing that they too would be abducted and taken to Batalanda. Whilst being taken away from the housing scheme and being brought back, Suggy had been able to clearly identify the Batalanda Housing Scheme. Apart from taking him away dressed in this manner, he had also been taken to two or three other houses within the housing scheme. Inside these houses, Suggy had been shown various persons and asked whether he knew any one of them. Suggy had been shown approximately sixty persons detained in these houses. Most of them had been severely assaulted. Some of their injuries had been quite visible.

Earl Suggy had been detained at Batalanda for twenty two days. During this period, Suggy inquired from ASP Peiris whether he is not going to be released. ASP Peiris had replied that, the matter had been forwarded to the Defence Ministry and that he will be released if the Ministry so instructs.

On the 22nd day of detention, Earl Suggy had been put into a jeep. Ratnayake and two other persons had also got into the jeep. ASP Peiris got into the driving seat and took him out of the Batalanda Housing Scheme. On the way, ASP Peiris told Suggy that, you have to fulfill a duty to a gentleman (mahatthaya). When you go home, attend to that duty. If you don't attend to it, you will be murdered. Suggy inquired what the duty was. Peiris replied that, his family members would know what the duty was, and for him to inquire from them. He had then been dropped off at a point which was approximately half a mile away from his residence. Suggy immediately ran home.

On the 24th of May 1996 this Commission visited the Batalanda Housing Scheme along with Officials attached to the Commission, in the presence of a large number of Attorneys, Journalists and Police Officers. Mr. Neville Abeyratne, Attorney-at-law and his junior counsel too attended the visit to the housing scheme. Some of the witnesses who had by that time claimed that they were abducted, unlawfully detained and tortured inside some of these houses, were also taken to the Housing Scheme. Having arrived at the Batalanda Housing Scheme, each of the witnesses were requested to independently show to the Commission the houses in which they were detained. Accordingly, Earl Suggy Perera took the Commission and its Officials to house bearing number B 8. This house was a single storied housing apartment situated immediately in front of house bearing number A 2/5, in which ASP Douglas Peiris and his family had lived from 2nd of August 1989 to mid 1995. On a large glass window of this house were the words "Black Cats" painted. The house had been officially allocated from 1988 to 1991, to Security Officers assigned to ASP Douglas Peiris. This house had several rooms. Earl Suggy showed the Commission the toilet from which he saw the outside. Upon looking out from the small window of this toilet, members of the Commission observed a barbed wire fence immediately behind the house, and at a distance houses of the Batalanda Village. We observed that, the evidence given by the witness on the situation of this house and the Batalanda Housing Scheme, tallied with what the Commission observed during the visit to the Batalanda Housing Scheme.

According to the evidence of Theobold Patric Perera (65 Years of age), the father of Earl Suggy Perera, at about 10.00 p. m. on the day of the abduction itself, he heard from another son of his, that Earl Suggy had been taken away by unknown persons. Hence, that night itself he had proceeded to the Peliyagoda Police Station and lodged a complaint regarding the abduction of his son. His complaint had been recorded at 11.50 p. m. A copy of the said complaint was produced before the Commission marked X 29. Notwithstanding his complaint, police had made no attempt to investigate into the matter, and trace the whereabouts of Earl suggy.

After a few days, he had gone and met the then Inspector General of Police Ernest Perera, at his office in the Police Headquarters, Ernest perera had been distantly related to him. patric Perera complained to the IGP of what had happened to his son, and pleaded with him to help him to trace Earl Suggy. Ernest Perera referred him to Senior Deputy Inspector General of Police Frank Silva. Having heard him, Frank Silva referred him to another officer, who's indentity the witness did not know. This Officer had after having heard the complaint, took a telephone call to the Peliyagoda Police Station, and spoke to ASP Douglas Peiris. The Officer then advised Patric Perera to explain to ASP Peiris over the phone the incident. Accordingly, Patric explained to ASP Peiris what had happened, and requested him to trace the whereabouts of his son. ASP Peiris wanted him to supply to him a photograph of Earl Suggy. Accordingly, Patric Perera went home immediately, took a copy of a photograph of his son, went to the Peliyagoda Police Station, met ASP Peiris and gave the Photograph to him.

After a few days, Patric Perera met ASP Peiris again, and inquired whether there were any developments. Peiris had said that, such a person was not there. ASP Peiris has not elaborated. However, Patric Perera said that, the news in the town was that it was Sergeant Ratnayake who had come and taken his son away. ASP Peiris had got angry, shouted at him, and inquired as to why he did not say so earlier, ASP Peiris immediately gave back the photograph, and directed Patric Perera to leave.

After severel days, whilst Patric Perera was in the lottery ticket counter at the Kiribathgoda junction, an unknown person approached him, gave a chit of paper, and said that 'you will be able to trace your son, go and meet this gentleman. Thereafter, this unknown person left. Patric Perera examined the chit. It contained the name "Attorney Lakshman Ranasinghe" and had two telephone (502850 and 24853) numbers. A copy of this piece of paper was produced before the commission marked X 27. Patric Perera immediately went to a telephone, and took a call to one of the numbers. A lady who answered the telephone, said that Attorney Lakshman Ranasinghe was not in, and that he had gone for work. Upon inquiring where Lakshman Ranasinghe had gone to, the lady had said that, it was to the state, Pharmaceuticals Corporation, situated at Gafoor Building, in Colombo Fort. Hence, Patric Perera went to the corporation, and made inquiries. inquiries so made revealed that, Attorney Ranasinghe was the chairman of that Corporation. He then went to the Chairman's Office, and met Lakshman Ranasinghe. He showed the chit to Ranasinghe, and

explained to him, what had happened to Earl Suggy. Patric Perera Pleaded with Ranasinghe to secure the release of his son. Ranasinghe said that the matter was a very complicated and difficult job. He said that, the matter will cost a lot of money. Ranasinghe inquired whether he could give Rupees Fifty Thousand (Rs. 50,000.00). Patric Pleaded with Ranasinghe to reduce the amount. Ranasinghe had replied that he was not in a position to reduce the amount. Finally Patric Perera agreed to give Ranasinghe the required amount, by even selling a land. Ranasinghe then told Perera to go out of the room, and that, he would take a telephone call and check on the matter. After a While, Perera was called in, and Ranasinghe had said that he should bring Rupees Ten Thousand (Rs. 10,000.00) and give the money to him. Patric inquired from Ranasinghe, where he should come to deliver the money. Ranasinghe gave him, another chit, which contained the address, "B/3, 8th lane, Collpetty, Colombo 3, Tel: 502750). A copy of the piece of paper was produced before the commission marked X 28.

Patric perera returned home, and informed the rest of the family members the incident relating to Attorney - Lakshman Ranasinghe. His family persuaded him, not to give Ranasinghe money, since they felt that, it was an attempt to cheat them. They had also said that since the IGP was a relative of their's money need not be given to secure the release of Earl Suggy.

Within few days, on the 13th of April Earl Suggy returned home, Suggy informed Patric Perera of what ASP Peiris told him, about attending to the duty to a gentleman (Mahattaya). Perera assumed that, it was a reference to Attorney Ranasinghe. Hence, the following day itself, he look Earl Suggy and went to the address stated in X 28. At the residence they met Attorney Lakshman Ranasinghe. Earl Suggy Worshipped Ranasinghe, and they thanked him for secuing the release. Patric Perera also said that, he was finding it difficult to give the solicited money immediately, and had promised to bring the money later.

After a few days, patric perera went and met Ernest perera , and informed him of what had happened. Ernest Perera advised Patric not to pay Attorney Ranasinghe, and also not to keep Earl Suggy at home continuously. Patric Perera testified that, at no stage did he give any money to Attorney Lakshman Ranasinghe. On the 19th of April, he went to the Peliyagoda Police and made a statement, that his son had returned home, and sought to withdraw the former complaint. A copy of the statment was produced before the Commission marked X 30. we wish to note that Patric Perera displayed the demeanor of a very honest witness.

Upon the former IGP Ernest Perera being questioned by the Commission, he testified that the event narrated by Patric Perera was correct. He said that, he remembers Patric Perera coming and meeting him, and complaining of his son's abduction, and subsequently informing that an Attorney had solicited Rs. 50,000.00 from him to secure the release of his son. He also recalls Perera informing him that Douglas Peiris was involved in the incident.

The Commission also examined Attorney Lakshman Ranasinghe in this regard. Mr. Ranasinghe is a senior criminal practitioner in the Magistrates Court of Hulftsdorp.

Mr. Ranasinghe totally denied the incident. He however admitted that the telephone numbers which appeared on the small piece of paper (X 28) and the address contained in the other piece of paper (X 29) were correct. He also admitted that the relevant telephone numbers were in fact those of the telephone he used during the relevant period. He also admitted that during relevant period, he functioned as the chairman of the state Pharmaceuticals Corporation, and that his Office was in the Gafoor Building, in the Colombo Fort. His position was that some of his opponents had persuaded Patric Perera to narrate this story, which was a total lie. However, he could not explain as to how, Patric Fernando's story was proven to be correct by Ernest Perera. Mr. Ranasinghe admitted that, he was unaware of any personal reason as to why Patric Perera would have assisted a third party to fabricate this story. Further, this Commission notes that if a third party wanted to level such a false allegation against Lakshman Ranasinghe, it would appear that, they had been conspiring from 1990, when there was no likelihood of the Batalanda Commission being established. Even if we were to believe that such a conspiracy existed, it would mean that, they had persuaded Patric Perera to make up this story in 1990 itself, since Ernest Perera agrees that Patric Perera informed him of the attempt to receive a bribe by an Attorney in 1990. If such a group conspired to fabricate a story relating to an attempt of soliciting a bribe by Lakshman Ranasinghe, they would have got Patric Perera to complain to the Bribery Commissioner's Department in 1990 itself. Due to the aforementioned reasons, this Commission is unable to accept the denial of Lakshman Ranasinghe.

Wasala Jayasekera.....

Wasala Jayasekera (aged 38 years) was a clerk attached to the Peoples Bank, Kelaniya Branch in 1990. By that time, he had served the peoples Bank for nearly 9 years. On the 16th of October 1990, after the Bank was closed for the customers for the day, and after some of the employees of the bank had left the bank for the day (leaving behind some of the employees), an armed gang entered the building. Having threatened the bank employees, the robbers took away approximately two hundred thousand rupees which was in the bank vault. The incident was reported to the police, and the Peliyagoda police commenced the investigation immediately. Soon after the commencement of the investigation, two private security officers who were on duty at the bank on the occasion of the robbery were taken in by the police for questionig.

On the 18th of October, police officers of the Peliyagoda police (which included an Inspector of police and a police Sergeant name Sumanasri) came into the Bank, and arrested Wasala Jayasekera. Upon arrest, he was taken to the Peliyagoda Police Station. He was then produced before ASP Douglas Peiris. Wasala Jayasekera stated in evidence that, ASP Peiris questioned him with regard to the robbery, and had stated that he (Wasala) had the key to the banks main door, and hence he should know how the rebbers came into the bank, having opened the door without using any force. Jayasekera's position in this regard was that, he had no involvement in the incident,

and that he did not release the key which was in his custody, to anybody. He added that, the Manager of the branch also had a key to the main door. He also said that, he did not know whether at the time the robbers came into the building, the main door was locked. He also said that, in any event, the Security Officers were manning the main door. Jayasekera claimed that, ASP Peiris assaulted Jayasekera with a belt, whilst questioning him. However, Jayasekera continued to deny any involvement.

Jayasekera was thereafter taken to the upper floor of the Police Station building. Having put him into a room, he was stripped of his clothes, and whilst he was naked, a group of Police Officers, whom he later got to know as PC Heenbanda, PS Upali Lakhewa, PC Jayawardena and PCD Ranjith, assaulted him mercilessly. It had been ASP Peiris who had led the team of police officers. Since Jayasekera continued to deny the allegation, the attackers had put chili powder on his eyes and also pricked the fingers with pins. This had given Jayasekera immense pain. Having tried their best to illicit information regarding the robbery, they left the room, after having chained Jayasekera to an item of furniture in the room.

For approximately 3 days, Wasala Jayasekera was detained in this room. During this period, he was never put into the cell of the Police Station, and was not produced before a Magistrate. On the evening of the 3rd day, Wasala Jayasekera was taken out of the room, and put into a car. ASP Peiris and PC Jayawardena too got into the car. The vehicle proceeded from the Police Station upto the Kiribathgoda Junction, the car was driven by PCD Ranjith. At the Kiribathgoda Junction. The car was turned onto a road on the right side, and it proceeded for a few minutes. The vehicle came upto what the witness described as an army camp. At the gate to the premises were army sentries. PC Jayawardena got off from the vehicle and went and spoke to the sentries, and they opened the gate. The vehicle thereafter proceeded into the premises and took a turn to the left. It thereafter proceeded a short distance, and came to a halt at a place where the road divided into two. On the right hand side of the place where the vehicle was halted, was a empty grassland and a water tank, situated on a tower. On the land there were a few coconut trees here and there. On the left handside was a house. It was situated on a slope. ASP Peires directed PC Jayawardena to hand-cuff Wasala Jayasekera, and take him into the house. He (Peiris) thereafter proceeded away from the car, on foot. Jayawardena went upto the house, and spoke to a person who was in the house, and thereafter took him into the house.

Inside the house, Jayasekera saw, several persons naked on the ground, groaning in pain. They were hand cuffed. Some were sleeping on the ground. Jayasekera was taken into a room, and was stripped naked. He was thereafter kept in the room. In the room, Jayasekera heard persons being assaulted whilst being questioned. He also continued to hear people crying in pain.

The following day, ASP Peiris, SI Delgahagoda, PS Upali Lakhewa and PCD Ranjith, came into the house. They started assaulting Jayasekera, and thereafter brought into the room others who were being detained in the house, showed them, and inquired from Jayaseker a whether he knew any one of them. Jayasekera answered

in the negative. Jayasekera was detained continuously for three days, inside this house. During this Period, the aforementioned Police Officers question him on several occasions on his alleged involvement in JVP activities. Jayasekera continued to deny any involvement in JVP activities. Jayasekera stated that, he was questioned whilst he was being assaulted. He said that, some of the assaults led to bleeding injuries. After the questioning, a formal statement was not recorded. During his period of stay, he saw other inmates being assaulted by the above mentioned officers and CI Wickramasinghe, whilst being questioned. On certain occasions, he saw the interrogators taking down notes on half sheets on what the detainees said whilst being questioned. Some of the inmates bled from their injuries. Jayasekera stated that, during the period of detention in this house, he and the other detainees received only one meal per day. That was at about 10.00 am. On most occasions the meals were spoiled. Jayasekera had to even throw away the food. Whilst being detained in the house a task entrusted to him was to clean the excreta of fellow inmates. He was ordered to collect them, and throw them into a toilet which was in the house. Whilst some of the other inmates were taken out, certain others were brought into the house. Those who were taken out, were not brought in thereafter.

After several days, Jayasekera was taken out of the house, and taken to the Peliyagoda Police Station in a Vehicle. At the Station, he was once again taken to the first floor of the Station building. He was detained in the same room, as on the previous occasion, till the 26th of November. On that day, he was taken to the Magistrates Court of Hulftsdorp, and produced before the Magistrate presiding in court number 5. He was produced before the Magistrate by the OIC of the Crimes Branch of the Peliyagoda Police, IP Okkanpitiya. The Hon. Magistrate inquired from Jayasekera other he had anything to say. At that stage, Jayasekera informed the Magistrate that, he was assaulted by the Police, he was passing blood with the urine, and that his body was aching (in particular the head).

The Commission called for and examined the relevant case record pertaining to the production of Jayasekera before the Hon. Magistrate. The case number was B 1700/5. According to the entries on the case record, on the 26th of November 1990, a suspect named H. G. Wasala Jayasekera had been produced before the learned Magistrate. Along with the production of the suspect, the Police have filed a report in the Magistrates Court, indicating that the suspect was involved in the robbery of money from the People's Bank Branch of Kelaniya. It stated that he was being detained under the provisions of a Detention Order issued under regulation 19 (2) of the Emergency Regulations. The relevant Detention Order had been issued by ASP Douglas Peiris, which states that the suspect has to be detained at the Peliyagoda Police Station. At the time of production, the suspect has informed the Magistrate that, he had been assaulted on his head, his head was aching, his ankles were injured, and that he was passing blood with urine. The Magistrate has ordered IP Okkanpitiya to produce the suspect to a Medical Officer and obtain treatment, and to produce him before a Judicial Medical Officer and obtain a report. Upon considering an application by the Police, the Magistrate has given permission to the Police to detain the suspect in police custody for another one month. The Magistrate further ordered that the suspect be produced before him on the 26th of December 1990. However, the court record indicates that, the suspect was not produced before him on that day. He has

been subsequently produced on the 4th of January 1991. On that day, the Police have requested the Magistrate to grant them further opportunity to detain the suspect for further investigation. Accordingly the Magistrate has ordered that the suspect be detained in police custody and be produced before him on 7th February 1991. On the said day, the Police have produced the suspect before the Magistrate, and have requested further opportunity to detain the suspect, on the basis that, the police have applied for a fresh detention Order from the Ministry of Defence. At that stage the Magistrate has ordered that the suspect be taken back to police custody and be produced before him on the 7th of March. On the 15th of February, the police have produced the suspect before the Magistrate, along with a further report. A copy of a fresh Detention Order was not produced to Court. In the report, the police have stated that, the Defence Ministry has informed them that since there was no evidence against the suspect, to discharge the suspect. Accordingly, the Magistrate has released the suspect, and has ordered the suspect to appear before the Kelaniya CSU once a week. The court record does not indicate that, an Attorney appeared for the suspect on any of the aforementioned court dates. On the 3rd of June 1991, Attorney Anil Gunawardena has appeared on behalf of the suspect, and has requested the relaxation of the above mentioned order. Accordingly, the learned Magistrate has ordered that the suspect reports to the CSU not once a week, but once a month. The original case record which contained the aforementioned entries was produced before the Commission marked X 36.

Getting back to the evidence of Wasala Jayasekera, he stated that after he complained to the Magistrate of the Harassment meted out to him by the Police, he was assaulted by Police Officers, soon after he was brought to the Police Jeep from Court. Apparently, the Police Officers were angered by Jayasekera's utterances to the Magistrate. Under these circumstances, one wonders how prudent it was for the Magistrate to have returned the suspect back to Police custody, after he complained of Police assault.

The same day, after he was taken back to the Peliyagoda Police Station, ASP Douglas Peiris and his team came into the room in which he was being detained, and assaulted him again. May be they would have been informed by the Police officers who took Jayasekera to Courts, that he complained to the Magistrate of assault. Subsequently, as directed by the Magistrate, the Police produced the suspect before a Judicial Medical Officer. Jayasekera has informed the JMO of what happened to him. Thereafter, the JMO has examined him. Efforts on the part of the Investigating Unit of this Commission to trace the relevant Judicial Medical Report did not yield positive results.

The Last month of detention at the Peliyagoda Police Station was, in a cell of the Police Station, which was on the ground floor. His father was permitted to come and look up Jayasekera. On one of those days, PS Upali came and informed Jayasekera that, if he was interested in obtaining his release, he should request his father to go and meet an Attorney named Anil Gunawardena, who stayed at Waragoda Road, Kelaniya. Wasala Jayasekera informed his father, of what PS Upali told him.

Wasala Jayasekera's father Saalinda Jayasekera went and met Attorney Anil Indrajith Gunawardena. This Attorney lived in Kelaniya. He informed the lawyer, what had happened to Wasala, and what the Police Officer had said. After a few days, the Attorney has told Wasala's father that, he made certain inquiries, and that he required RS. 50,000.00, in order to secure the release of Wasala. The Attorney said that the money was required to be given to ASP Douglas Peiris. Accordingly, the money was given to the lawyer. After a few days, on the 15th of February 1989, Wasala Jayasekera was freed by the Magistrate, on a request made to Court by Police Officer Upali.

The Commission summoned Attorney Anil Gunawardena to testify before the Commission. He having admitted that, he appeared for Wasala Jayasekera in the Magistrate Court, denied having solicited or accepted any money from Wasala's father, to secure his release. Mr. Gunawardena however admitted that, even though Wasala Jayasekera had been detained for a period of time without a valid detention order, was suddenly released soon after he (Mr. Gunawardena) started appearing for Wasala. Mr. Gunawardena could not explain as to why the Police had suddenly changed their attitude towards Wasala, soon after Mr. Gunawardena commenced to appear for him.

Taleratne Mudalige Bandula.....

T. M. Bandula (aged 37 years) is from Dalugamagoda, Kelaniya. He had worked as a Electrical Technician attached to a private company named Clock Overseas Company which had been a sub-contractor of the River Valleys Development Board for a few years. during this period., the RVDB had been contracted to attend to some work at the Batalanda Housing Complex. Hence, Bandula too had worked in the Batalanda Housing Scheme site. Bandula produced to the Commission a certificate of employment issued to him on the 16th of February 1978, by site the Engineer (of the Batalanda Housing scheme site) of the River Valleys Development Board. According to this certificate, Bandula had worked for fourteen months at the Batalanda Housing Scheme site. This certificate was marked X 38. The witness also produced the Identity Card which had been issued to him by the private company, during the period he worked at Batalanda. The document was marked X 37. Since 1979, he had known late Mr. Ossie Abeygunasekera. Along with Mr. Abeygunasekera, Bandula took to politics. He worked for the Sri Lanka Mahajana Pakshaya (SLMP). After the Leader of the SLMP late Mr. Vijaya Kumaratunge was assassinated in 1988, Mr. Abeygunasekera invited Bandula to work as a Security Guard to him. Bandula accepted the invitation and started to work for Mr. Abeygunasekera on a full-time basis. When Mr. Abeygunasekera traveled, Bandula escorted him, in his motor cycle. He had actively participated in the SLMP campaign in the 1988 provincial Elections, 1988 presidential Elections and the 1989 General Elections. During this period, he stated that, he had problems from the JVP. Bandula said that, he knew IP Wedisinghe quite well, and that he had informed Wedisinghe of threats he had from the JVP.

In 1990, Bandula had been residing in a rented out house in Pamunuville. He had been staying in the house with his wife and their two children. In the morning of the 27th of January 1990, Bandula had proceeded to his family house, which was situated in Dalugama. The distance had been about half a mile. He had met a neighbour of his named Kamal Indrajit, and obtained a pedal cycle, to go to the market, to purchase some fish. Having obtained the cycle, Bandula pedaled away. On the way, at Francis Lane one tyre of the cycle deflated. Bandula took the cycle to a nearby repair shop and got the tyre repaired. Thereafter, he started to proceed. A red coloured car approached him from the rear, and sounded the horn as it passed him, proceeded a few Yards and then stopped. Two persons got off the car and came up to Bandula. One of them was armed. The other assaulted him on his neck. Bandula fell off the cycle. Bandula recalls that the armed person leveling the weapon on to his ear. Bandula recognized this person to be ASP Douglas Peiris, whom he had known for a long period of time. Eventhough there had not been any association between the two parties, Bandula had seen him on numerous occasions in the Kelaniya area, especially during the election campaigns. Bandula had asked him, whether he was not ASP Peiris. ASP Peiris answered in the affirmative and said "you are Ossie's. big bodyguard", and had ordered Bandula to get into the vehicle. He had also threatened Bandula, that he would shoot him. Bandula was thereafter taken into the car. He was put into the rear seat, and two unknown persons had sat on either side of him. ASP Peiris got into the front seat. ASP Peiris has told Bandula that, he (Bandula) was involved in serious offences such as murder and robbery, and that was reasons for him to taken in the two persons who were seated on either side started to assault Bandula, whilst the car was travelling. Bandula pleaded with the attackers, and said that he was a sick person. He has said that, he had a hole in his heart, and that he may die. The attackers replied that, it was no problem, and that in any event, he was being taken to be killed. On ASP Peiris's instructions, Bandula had been thereafter blind folded. Bandula had been hand cuffed soon after he was apprehended. The vehicle proceeded for approximately ten minutes. It thereafter came to a halt. Bandula was taken out of the car, and taken in to a building. He heard people talking. From the noises he heard, Bandula fathomed that, it was the Peliyagoda Police Station. He explained that, inside the building, he heard Police Officers communicating with each other over the radio communication set. He heard Officers saying, "yes, this is the Peliyagoda Police, talk" Hence, he presumed that he had been taken to the Peliyagoda Police Station. Having kept him at the station for several minutes, Bandula was put into another vehicle. While inside the vehicles, he was ordered to lie down, face downwards. He presumed that the vehicle was a van. Thereafter, several tyres were put on his body. Several others had also got into the van, and one person had said that, they were taking him to the Boossa Detention Camp. In Galle, Thereafter, the vehicle proceeded. The van traveled for about two miles. Thereafter, it came to a halt. Bandula was taken out of the van, and into a building. Inside the building, one of the hand-cuffs were removed, and it was put on to a strong object. Hence, Bandula could not escape. Soon afterwards, the abductors left. After a short while, with the aid of the free hand, Bandula lifted the blinds. He saw that, he was in a room, and that inside the room were two

others who were also blind folded. Bandula inquired from one of them, why he had been brought into that place. The detenu answered that, he had been originally arrested by ASP Peiris in relation to an allegation of illicitly brewing liquor, and that after arresting him, ASP Peiris had assaulted him severely. Thereafter, this person had filed action in courts against ASP Peiris for having assaulted him. Court ruled in his favour (*i. e.* he won the case against ASP Peiris) and received compensation. Soon afterwards, PS Ratnayake arrested him, and brought him to this house.

In the night, persons came into the buildings, and removed Bandula's hand-cuffs. His hands and feet were tied. His body was raised from the ground with the hands upwards, and he was suspended from the roof. Thereafter, he was swung, and persons assaulted him with clubs. He said that, his body swung from side to side like a pendulum. While being assaulted, it had been alleged that, he (Bandula) had taken part in criminal activities, and that on certain occasions, he had taken part in robberies with IP Wedisinghe of Kiribathgoda. He had also been asked whether he took part in JVP activity. To all these questions and allegations, Bandula answered in the negative. Bandula screamed in pain. Thereafter, pieces of cloth were stuffed into Bandula's mouth preventing him from shouting, and the assaulting re-commenced. After some time, Bandula became virtually unconscious. He felt as if he had no hands. He could not feel his own hands. After some time, the assaulting ceased. Bandula was kept on the ground. Bandula stated that, he could not identify any of those who assaulted him on that occasion.

The following morning, Bandula was taken out of the house, and taken to another house in a vehicle. The vehicle traveled only a short distance, after which it was halted and he was taken out, and into another house. That day too, Bandula was questioned again regarding his alleged involvement in robberies. The interrogators continued to assault him. Bandula did not change his stand. The attackers attempted to persuade Bandula to divulge details, by saying that, it was they who apprehended Denzil, Basil, Upali and Quintes and killed them inside the same premises. Therefore, they had demanded that Bandula speaks the truth. In fact, Bandula knew of a person named Denzil, who had lived in the same village and disappeared for ever in the recent past. Due to these reasons, Bandula became extremely frightened. After the assaulting ceased and the attackers left, Bandula slowly lifted his blinds, and looked around. He saw, blood stains on the walls of that building, a couple of tyres and some empty liquor bottles on the floor. Having seen the blood stains, Bandula started to shiver. He waited in the house for some time. He couldn't sit on the ground, since his back was aching. Hence he remained on his knees.

That morning, one of the former attackers came into the room in which Bandula was being detained and spoke to him. He said that, it was in vain that they (the attackers) had assaulted him (Bandula). Bandula had been appended based on a false information. This person had also said that they were going to released him, and had requested that he (Bandula) refrains from informing "Ossie" what had happened

to him. He had added that they were going to take him away that night, and released him. Having said so, this person left. However, after sometime Bandula heard persons in conversation outside the building. He heard these persons discussing that, 'this person' (Bandula presumes that it was a reference to him) is innocent. They have also said that, he (Bandula) did not divulge any information, notwithstanding being assaulted on the previous day. They have added that, they however could not do anything else, since it was an order from their 'boss'. Bandula stated that, he also heard them discussing that, they were going to take him away that night itself, shoot him near his ear, and push him into the river near the Rathgahawatta bridge, having removed his hand cuffs. They have also said that, since Army Officers are sometimes present at that point, they may not be in a position to do so, and ifso they would have to take him elsewhere and burn him on tyres.

By this time, Bandula understood that, what ever the assaulted had told him previously, they had decided to kill him that night. Bandula slowly went upto the rear side of the room. He lifted his blinds and looked around. There was a window nearby. Through the window, he saw the surrounding area. Bandula was familiar with the location, since he had worked for a considerable period in the Batalanda Housing Scheme, during the construction stage of the houses. Bandula decided to take a risk and escape from the house in which he was being detained. Bandula observed that his hands had been cuffed, having kept them behind his body. He realized that, with his hands tied that way, it would be difficult to escape and run away. He thereafter, called for help, and requested that his hands be released from the hand-cuffs enabling him to answer a call of nature. The person who was on guard out side the house concented. Having gone into the toilet and come out, Bandula Keft his hands in front of the body and waited for his hands to be hand cuffed again. The guards put on the hand cuffs without having noticed that Bandula had changed the position of the hands form the rear of the body to the front.

After the guards left the room, Bandula went upto a window, gradually opened it, and jumped outside. From the exterior, he slowly closed the window. Thereafter, he crept through a barb wire fence which was situated near the rear side of the house, and moved out of the compound. The area to which Bandula proceeded was the Batalanda village. He thereafter ran to an adjoining village close-by named Badugewatta, in which an uncle of his named Eitin Singho was residing. By the time Bandula went upto Eitin Singho's house the time had been approximately 7.30 pm. Both Eitin and his son Vijitha were present. Bandula told both of them, what had happened to him, and how he escaped from the place of detention. Their main concern was to brake the handcuffs, Vijitha kept the chain linking the two cuffs on a row bar, and hit the chain with a manna knife. The handcuff separated into two. On each hand remained the rings. However, since the rings were no longer linked to each other by the chain, he could move about his hands freely.

Bandula did not wish to remain at Eitin Singho's house any longer, since he was frightened that those who were concerned with his abduction and detention would by this time be aware of his escape, and that they would come in search of him. Vijitha kept Bandula on his push cycle and proceeded. Both of them went towards the Galwala junction. Near the Galwala junction lived another uncle of Bandula named Piyadasa. Bandula went to Piyadasa's residence and met him. He told Piyadasa what happened to him. With the uncle was a neighbour. They decided to remove the rings of the hand cuffs, since having them on Bandula's hands were a threat by itself. The neighbour brought a hacksaw blade from his house, and slowly cut the rings. At one point, the blade hit Bandula's hand, and it scraped his hand, resulting in the hand being slightly injured. They were able to remove the rings. Bandula gave the pieces of the hand cuffs to Piyadasa and left Piyadasa's house, in search of another safe place.

After Bandula left, Piyadasa put the two rings of the hand cuffs into a toilet pit. After the Commission commenced inquiry, extensive investigations were carried out to check the veracity of Bandula's testimony. Eitin Singho, Piyadas and Piyadasa's neighbour gave evidence corroborating Bandula's testimony. Based on information provided by Piyadasa, an old toilet pit situated behind the compound of Piyadasa's residence was emptied. Investigators attached to the Commission recovered from inside the pit two partly corroded rings of hand cuffs. To the rings were attached parts of the chain linking the hand cuffs. These rings were produced before the Commission marked X 39, on the same day on which they were recovered. According to the testimony of the Investigating Officers, the emptying of the pit and the recovery of the rings of the hand cuffs were made in the presence of a large number of villagers of the area, including its Grama Sevaka. This item of circumstantial evidence, clearly corroborates the evidence of Bandula.

Having left Piyadasa's residence, Bandula proceeded on foot and also traveled in three wheeler, and after a long journey, ended up at late Ossie Abeygunesekera's residence situated at Jawatta Road, Colombo 7. He met Mr. Abeygunesekera at his residence. Bandula narrated to him, the whole incident. He stated that one of those responsible for what happened to him was ASP Douglas Peiris.

Both Mr. Abeygunasekera and Bandula felt that it would not be safe for Bandula to live by himself alone in the village. Since it was unlikely that ASP Peiris and his party would come in search of Bandula to Mr. Abeygunesekera's house, the latter permitted Bandula to stay at his residence for some time. Accordingly, Bandula stayed at Mr. Abeygunesekera's residence for 4 months. By the end of that period, there were no signs of the Police coming in search of Bandula. Therefore, Bandula left Mr. Abeygunesekera's residence and went home. However, he was frightened to

stay there. Bandula sought employment overseas, and after a short while, he was successful in obtaining employment in Saudi Arabia. Bandula proceeded overseas, and continued to work in Saudi Arabia till July 1993. By that time, it was clear to him that, it was unlikely that he would be re-apprehended if he were to return to Sri Lanka. Hence, Bandula returned to Sri Lanka.

After the new Government was formed in August 1994, Bandula made a statement to the Criminal Investigations Department, relating to the above mentioned incident. On a request made to him by the CID, he took CID Officers to the Batalanda Housing Scheme and showed to them the two houses at the Batalanda Housing Scheme in which he was detained. At the inception of the functioning of this Commission, the Criminal Investigations Department made available to the Commission, an extract of the statement made by Bandula, and the notes of investigations carried out by them, arising out of the statement. According to the relevant notes of investigation (including the observation notes relating to the identification of the two houses by Bandula), he had been initially detained in house number B 7, and subsequently in house number B 2. Upon the Commission proceeding to inspect the Batalanda Housing Scheme, the Officers of the Criminal Investigations Department indicated to the Commission these two houses. We observed that, the surrounding area was infect quite similar to what Bandula described in his oral evidence before the Commission, and in his statement to the CID.

Athuranga Wimal Atthanayake ...

Wimal Atthanayake is an Ayurvedic Doctor. Having graduated from the Gampaha Ayurveda Vidyalaya in 1983, he started a private practice in 1984 at Bollegala, in the Biyagama electorate. He enjoyed a wide and lucrative practice. Atthanayake and his family lived immediately next to his medical clinic. Atthanayake stated before the Commission that, Police Officers of the area too came to him seeking treatment. As a matter of policy, he did not charge fees from Police Officers for treating them. In the course of providing treatment, Atthanayake got to know the Officer-in-Charge of the Kelaniya Police Station, Inspector Sunil Bandara Nissanka.

On a day in 1990, Inspector Nissanka came with a team of Police Officers to meet Atthanayake. He had brought with him three persons who were injured. Inspector Nissanka requested Atthanayake to treat the injured. He examined the injured. They had contusions on their bodies. Some of the injuries were festering. The injured persons had hand-cuffs on them. Atthanayake inquired from the injured, as to how they had sustained injuries. The injured persons looked at Inspector Nissanka and thereafter

remained silent. Atthanayake fathomed that the injured were persons in Police custody. Even though he understood as to what had happened to them, he stated that he could not do anything, but to treat them. Hence he treated the injured. Thereafter, Inspector Nissanka took them away. (According to the witness, the distance between his clinic at Bollegala and the Kelaniya Police Station was approximately two miles.)

Three days after this incident, Inspector Nissanka sent a message through a Police Officer, requesting Atthanayake to come to the Police Station, since the three persons who were treated on the previous occasion required further treatment. Accordingly, that night Atthanayake proceeded to the Kelaniya Police Station on his push cycle. At the Police Stations, Atthanayake met Inspector Nissanka. He took Atthanayake to the rear of the Police Station. In the rear of the compound was one of the injured persons who was treated by Atthanayake on the previous occasion. He was lying on a sandy ground. Atthanayake examined the person. His condition was serious. Some of the wounds were festered. He explained to Nissanka the situation of the injured person. Nissanka pleaded with Atthanayake to somehow treat the injured and ensure that he lives at least for another day. Atthanayake treated the injured person. Thereafter he returned to his residence.

After a couple of days, the same Police Officer who came on the previous occasion (to deliver the message sent by Inspector Nissanka) came and met Atthanayake, and said that he had to treat some more injured persons, and for him to be ready in the evening to go to where the injured persons were. That evening, the Police jeep arrived at the clinic. Inspector Nissanka and several other Police Officers were present inside the jeep. Nissanka invited Atthanayake to get into the jeep. On the way the jeep stopped near a pharmacy named 'Dalugama Pharmacy'. Inspector Nissanka gave Rs. 200.00 to Atthanayake and requested him to go to the pharmacy and purchase necessary medicine. Accordingly, Atthanayake went upto the pharmacy and purchased some medicine. Thereafter, they proceeded in the jeep and finally ended up at the main entrance to the Batalanda Housing Scheme. Atthanayake explained that he had been living in the Kelaniya area from 1973, and hence he was familiar with the entire area. Further, he had several of his friends living in the Batalanda village, and hence had previously seen the entrance to the Housing Scheme. As the Army sentry saw the Police jeep approaching the barrier, he lifted the barrier, and permitted the jeep to enter the Scheme. The jeep proceeded to the Housing Scheme and went upto a certain house and stopped. The Police Party entered the house. Nissanka invited Atthanayake to come into the house. Whilst entering the house, he observed several armed persons guarding the house. Having entered the house, Nissanka took him into a room. inside

the room was a large iron bed. Six or eight persons were chained onto the side bars of the bed. Virtually all of them had serious injuries. Amongst them were the injured person whom Atthanayake treated on the previous occasion at the Kelaniya Police Station. Nissanka asked Atthanayake to treat the injured. Atthanayake inquired from each of them what their problems were. One person said that his mouth was paining since it had been burnt. Another said that his back was paining. Atthanayake observed that all of them were in serious pain. He examined the injured person, who had been treated by him at the Kelaniya Police Station. His condition was serious. The wounds were infected. Some of the wounds had maggots. Eventhough Atthanayake wanted to treat the injured. He couldn't remain inside the room any longer, since there was an extremely bad odour emanating from the injured persons. Hence, he came out of the room and asked Nissanka to bring out the seriously injured. The armed men brought out the injured person (who had been treated by him previously) on a wooden plank. Atthanayake washed and cleaned the wounds. The maggots were also removed from the infested wounds. He thereafter treated the wounds. After Atthanayake treated the injured persons, Nissanka invited him to go with him. Nissanka took him to another house. He was given facilities to wash his hands. Thereafter, he was treated with a cup of tea. From the surrounding circumstances, Atthanayake gathered that the second house to which he was taken (which was also inside the Batalanda Housing Scheme), was the quarters of Inspector Nissanka. (It has to be noted that, according to the material submitted by the Liquidator of the State Fertilizer Manufacturing Corporation, house bearing number A 2/12 had been allocated to the Officer-in-Charge of the Kelaniya Police Station from 2nd August 1989 to 1996. In particular, from September 1990 to 1996, Inspector Nissanka had been living in this house.) Thereafter, Atthanayake was dropped back at his residence.

The Investigating Unit of the Commission recorded the statement of the then Officer-in-Charge of the Kelaniya Police Station Inspector Nissanka. He denied having invited Atthanayake to treat injured persons. However, it was admitted that he knew Atthanayake, that he was the Officer-in-Charge of the Kelaniya Police Station, and that during the relevant period he lived in a house at the Batalanda Housing Scheme. However, Inspector Nissanka could not give any specific reason for Atthanayake to give evidence of this nature. Nissanka did not retain Counsel and instruct his Counsel to cross examine witness Atthanayake. Infact, Atthanayake was not examined by Counsel who represented other Police Officers. The Commission decided to examine Inspector Nissanka under Oath, at a session of the Commission. However, soon prior to the summoning of Inspector Nissanka to give evidence, it was reported to the Commission that, he had committed suicide by shooting himself.

The evidence given by Atthanayake was not adequate to determine to a certainty the identity of the relevant house in which the injured persons were detained. However, from the available material, it is clear that this house was one of the houses in the Batalanda Housing Scheme. It is also clear that this house was one in relation to which Police Officers had access and control. The evidence of Earl Suggy Perera, Wasala Jayasekera and Thaleratne Mudalige Bandula indicated that, persons were unlawfully detained in houses bearing numbers B8, B34 and B2. The house described by Atthanayake could not be B34, since it was situated on the road to the left, as one enters the housing scheme. Atthanayake said that, having entered the housing scheme, the Police jeep proceeded straight down. Hence, the relevant house could either be B34 or B2 or, some other house which was in the control of the Police.

We now venture to consider evidence and other material, which indicate that, persons were in fact unlawfully detained in other houses too.

Ajith Jayasinghe

Sub Inspector Ajith Jayasinghe was a Police Officer attached to the Ja-ela Police Station in August 1989. [Details regarding this Officer is stated in Chapter VIII of this report.] This Commission was required to inquire into an incident relating to this Officer being arrested and detained by Police Officers headed by ASP Douglas Peiris. Details relating to the relevant incidents are stated in Chapter VIII of this Report.

According to the evidence of Ajith Jayasinghe, somewhere in August 1989, a person named Jayantha had come to the Ja-ela Police Station, and complained that a person had attempted to kill him, by shooting him. Jayantha had been a close associate of Mr. Joseph Michel Perera, Member of Parliament and Cabinet Minister of the then Government. Jayantha informed Ajith Jayasinghe that the assailant was in the area, and that if he were to come with him (Jayantha), he could indicate where the suspect was. Ajith Jayasinghe was at that time the Station Duty Officer (SDO). Hence, Jayasinghe together with a team of Police Officers immediately set off with the complainant, in search of the suspect. They proceeded to Ekala, and were successful in arresting the suspect, one Gamini Hettiarachchi. The team of Police Officers returned to the Ja-ela Police Station with the suspect, and at the Station, the suspect was produced. As per the standing Orders, Jayasinghe reported the arrest of the suspect to the Kelaniya CSU, which at that time was functioning from the Peliyagoda Police Station. The investigations into the incident was scheduled to be carried out by the said Counter Subversive Unit (CSU). This was because, it was suspected that the relevant incident was of subversive nature, and that suspect Gamini Hettiarachchi was a subversive.

One the same day, ASP Douglas Priris sent instructions to Ja-ela Police to release the suspect. By that time no investigations into the incident had been carried out. However, since there were instructions from the ASP in charge of the CSU, Gamini Hettiarachchi was released from custody that evening itself. The release of the suspect was registered. His father was required to come to the Police Station, and he had to provide 'Police Bail' to the suspect (Gamini). Shortly before the release of Gamini Hettiarachchi, two Officers of the Kelaniya CSU (namely PCD Ranjith, and PS Lakshman) and another person who worked for the CSU (event though he was not a

Police Officer) named Raasendra came to the Ja-ela Police Station. Whilst these persons were inside the Station, Ajith Jayasinghe saw a white coloured van parked outside the Police Station, and Sub-Inspector Delgahagoda seated inside it. Jayasinghe said that, this was a van used by the Kelaniya CSU, for its activities. The Police Officers who came into the Station said that, they were going after the suspect (Gamini), after he was formally released from the Ja-ela Police Station. They saw the suspect who was in the Station cell. Thereafter they left the Police Station.

Soon after the release of suspect Gamini Hettiaarachchi, his father came to the Station, and complained that whilst they were proceeding on the road (having left the Police Station), his son was abducted and taken away again. From the surrounding circumstances, Jayasinghe gathered that, suspect Gamini had been taken away by the Officers of the CSU, soon after he was released from the Ja-ela Police Station.

After a few days, Jayasinghe met Inspector Wickremasinghe (the OIC of the Kelaniya CSU), and inquired from him, as to what happened to the suspect taken away by officers of the CSU (a reference to suspect Gamini Hettiaarachchi). Inspector Wickremasinghe wanted Jayasinghe to go with him to another place. Both of them went to the Batalanda Housing Scheme, in the earlier mentioned van. At the Batalanda Housing Scheme, Wickremasinghe took him to house. The house (to which Inspector Wickremasinghe took Ajith Jayasinghe) was subsequently identified by Jayasinghe as house bearing number A 1/8. The identification took place, when the Commission went to the Batalanda Housing Scheme for inspection. When Ajith Jayasinghe entered the house, he saw three persons hung on their feet. Gamini Hettiaarachchi was one of them. Wickremasinghe said that the suspect was an important suspect, and said that, based on information provided by the suspect he (Wickremasinghe) had recovered a gun and a bomb. Due to these reasons, Jayasinghe, presumed that, the suspect was infact a JVPer. Thereafter, Jayasinghe, left the house. After a few days, Jayasinghe met Wickremasinghe again. Jayasinghe inquired as to what happened to the suspect. Wickremasinghe replied that he was 'disposed of' (Wa'de dunna).

Tissa Palipane

By the 31st of January 1989, Tissa Palipane was a buddhist monk at the Kelaniya, Bollegala, Manelwatta Viharaya. The Chief monk of hte temple was an uncle of his named Kankulame Dharmakeerthi. On the 31st of January 1989, whilst Tissa Palipane was near the temple, several armed men in civils came upto him in a van, and forcibly abducted him. He was taken to the Batalanda Housing Scheme, which is situated about four miles away. He was able to identify that he was being taken to the Batalanda Housing Scheme, since he had previously been to houses in the Batalanda Village. He was detained in one of the houses in the Scheme for a few days. During this period, he was questioned with regard to alleged involvement in JVP activities. Whilst questioning him he was assaulted. While being detained in the house, his robes were removed, and kept naked. He explained that, he was kicked and also burned.

Tissa Palipana said that, one of the attackers was a female. She was referred to by the other assaulters as 'Madam'. This female officer was identified by Palipane before the Commission, on a day the Officers of the Kelaniya CSU was summoned by the

Commission to testify. The identified female Police Officer was WSI Padmini Premalatha. Eventhough Palipane was convinced that he was taken to the Batalanda Housing Scheme, he stated that he was unable to identify the exact house in which he was detained.

Meanwhile the Chief monk of the Temple had made inquiries as to what had happened to Palinane, and after he got to know that the Police had apprehended him (Palipane), had made representations to a Senior Government Politician. Soon afterwards, Palipane was released from detention.

In utter disgust and frustration Palipane decided to leave monkhood. Soon afterwards, Palipane left the temple and gave-up monkhood.

Numerous other victims

Testimony and other material relating to the abduction of numerous other persons who lived within the Kelaniya Police Division was considered by the Commission. In most of those cases, the victims had been abducted by Officers of the Counter subversive Unit of the Kelaniya Police Division, during the period relevant to this Commission (from the 1st of January 1988 to the 31st of December, 1990). Whilst most of the victims had disappeared since the abduction, a few remained alive. Some of those who remained alive were available, and volunteered to give evidence. In certain cases, the victims could positively identify those who were responsible for their abductions. The name of ASP Douglas Periris featured prominently in most cases. Most of the victims had been abducted and taken to places unknown to them, and wrongfully confined at such places. During this period, the victims had been inhumanely tortured. The mode of their abductions, detention and torture were similar to the cases discussed above. However, we did not receive adequate evidence to arrive at a finding on the identity of the houses in which they were detained and tortured. Therefore, there evidence is not adverted to in detail.

Who was responsible

We have stated above, the circumstances under which Police Officers came to live in the Batalanda Housing Complex. In the process, it was also discussed, how Police Officers had access and control to the houses allocated to them. The evidence before the Commission, directly points out that, the Officers of the Counter Subversive Unit of the Kelaniya Police Division were given an opportunity to live in the relevant houses, and that the procedure of procuring the houses were hitherto unknown to the Police Department. It was also revealed that, no proper procedure was followed in the allocation and the release of the houses for the relevant Police Officers. It is evident that, the houses were released to the relevant Police Officers by the Liquidator of the State Fertilizer Manufacturing Corporation, On directions by the then Minister of Industries and Scientific Affairs, Mr. Ranil Wickremasinghe. However, as noted earlier, originally, Mr. Wickremasinghe had commenced giving instructions relating to the release of these houses to Police Officers, even prior to he being appointed the Minister in Charge of the State Fertilizer Manufacturing Corporation. Evidence before the Commission also revealed that, more than the required number of houses were released

for the use by Police Officers, and that, in certain instances, Police Officers to whom the houses were allocated to, actually did not live in the relevant houses. Further, there was no supervision of the relevant houses, and nobody had ensured that the houses were not being used for any illegal purposes. To add to this, it was revealed that, in certain instances, Police Officers had access to houses that were not released to them. Hence, they had totally unauthorized access to certain houses. This was the environment under which, Police Officers primarily of the Kelaniya CSU occupied the Batalanda Houses.

We have narrated above briefly, certain established instances wherein, persons had been abducted and thereafter illegally detained in some of these houses. In most of the established cases, during the pendency of the wrongful confinement, the victims had been tortured. It has to be noted that, all evidence indicative of the relevant houses being used for the maintenance of places of unlawful detention and torture chambers, have not been narrated in this report. The relevant evidence is found in the proceedings. The said proceedings form part and parcel of this report.

In order to ascertain the position of those implicated by the witnesses, regarding the relevant abductions, wrongful detentions and the torturing of persons, the relevant Police Officers were summoned by the Commission as witnesses. It has to be noted that, the Police Officer who featured frequently in this regard, namely Mr. Douglas Peiris could not be summoned, since by the time it became necessary to summon him he had surreptitiously escaped from Sri Lanka. However, the other Officers, who during the relevant period were associated with the activities of the Kelaniya CSU were summoned. All of them denied any involvement in any unlawful activity. Such denial was expected. None of the Officers of the Kelaniya CSU, could give any specific reason as to why all the witnesses referred to above, and the others who testified regarding the establishment and the maintenance of places of unlawful detention and torture chambers, needed to give false evidence. However, all of them who according to the material provided to the Commission by the State Fertilizer Manufacturing Corporation were purportedly to have lived in the Batalanda Housing Scheme, admitted having lived there. Their positions were that they were either directed by ASP Douglas Peiris or by the then OIC of the CSU Chief Inspector Ranjith Wickremasinghe to live in the relevant houses. They were all aware that, ASP Peiris had pioneered in obtaining the houses for them. CI Wickremasinghe had been ordered by ASP Peiris to proceed and take possession of a house. The findings of the Commission on the establishment and the maintenance of places of unlawful detention and torture chambers will be dealt with in Chapter IX.

Others concerned in the illegal operation

As regards the establishment and the maintenance of places of unlawful detention and torture chambers, there could be several categories of persons who would be concerned and responsible for the relevant illegal activities. The first category is, those who were directly responsible for the establishment of the aforementioned places. The second category would be, those who had knowledge of the relevant illegal operations. Out of those who had knowledge, there were two sub categories. Firstly those who were aware, however were not in a position to take any remedial

action, since they were not persons in authority. To this sub-category would fall even the victims who survived. The second category were, those who were in direct authority, and even after becoming aware of the relevant illegal activity, remained tolerant, and permitted the illegal operations to continue. Under the circumstances, this category are indirectly responsible for the continuation of the places of unlawful detention and torture chambers.

With regards to the culpability of those responsible and the degree of their culpability, ASP Douglas Peiris, Chief Inspector Ranjith Wicremasinghe and the other subordinate officers of the Kelaniya CSU, there is no doubt of their complicity. They were directly involved in the establishment and the maintenance of the places of unlawful detention and torture chambers. Direct evidence in this regards emanates from a series of witnesses, some of whom were victims of the aforementioned illegal activity. However, the position regarding the other Senior Police Officers and Mr. Ranil Wicremasinghe is some what different and needs to be carefully examined.

In this regard, what is sought to be done, is to examine the degree of involvement of these persons in the aforementioned illegal activity.

Vincent Fernando

In this regard, we would be failing in our duty if we do not briefly narrate the evidence given by witness Reginold Silvester Vincent Fernando. The evidence of this witness was recorded in camera. Apart from Counsel assisting the Commission, and Counsel representing witness Ranjith Wicremasinghe were also present. Upon consideration being given to the statement made by the witness to the Police Investigators who were assigned to the Commission, it was decided to elicit the evidence of this witness in camera. From the contents of the statement referred to above, it was evident that, the testimony of the witness would affect the legal rights and the Political standing of the present Leader of the Opposition in Parliament, Member of Parliament Mr. Ranil Wickremasinghe. The statement, also contained certain sensitive material. Further, eventhough material in the statement was known to the Commission, it was not too clear whether the witness would state the same facts to the Commission, or whether he would in addition to what was stated in his statement, testify to other matters too. In addition to these reasons, the Commission deemed it necessary to cause further investigations relating to what the witness had stated in his statement, prior to causing wide publicity being given to his testimony. Accordingly, it was decided to consider the evidence of this witness in camera. This decision was taken in the best interests of Mr. Ranil Wickremasinghe. However, it is now incumbent on the Commission, to release to the Public, a brief account of the testimony of this witnesses. What is stated herein, is only the evidence which falls within the terms of reference of the Warrant of the Commission. The evidence is reproduced in this report, after having afforded an opportunity to those affected by his evidence to cross-examine him. It is to be noted that, Counsel who represented Mr. Ranil Wickremasinghe and Counsel who represented certain Police Officers obtained certified copies of the evidence of this witness. Eventhough, the witness died shortly before the commission concluded its sittings, he was available for resummoning for the purpose of cross examination by Counsel, for a period exceeding one year, from the

date of the witness having given evidence. However, no application was made by Counsel to summon the witness for the purpose referred to above. In particular, the Commission wonders why Counsel for Mr. Ranil Wickremasinghe did not choose to examine this witness, notwithstanding the fact that the witness had given damning evidence against Mr. Wickremasinghe. It was reported to the Commission a few days prior to Mr. Ranil Wickremasinghe being summoned that, this witness had died. At the time of death, he had been 36 years of age. The exact circumstances under which he died, was not investigated into by the Commission, due to lack of required authority. In arriving at the findings, the Commission did not take into consideration the evidence of this witness, which was unsupported by other reliable evidence, or which was not admitted by the concerned witnesses. However, it is pertinent to note that, most of his testimony was either admitted by concerned witnesses, or were fully corroborated by reliable material. The Commission has used such evidence, in arriving at Findings.

Vincent Fernando was 35 years of age, at the time he gave evidence before the Commission. In 1980, he was employed by the National Youth Services Council, as the Caretaker of a circuit bungalow of the Council, situated in Nilaweli, in Trincomalee. Vincent functioned as the caretaker of the circuit bungalow from 1980 to March 1982. During this period, Mr. Ranil Wickremasinghe, who was during that period the Minister of Youth Affairs and Employment (under whose purview the National Youth Services Council came), visited the circuit bungalow on several occasions, and stayed there overnight. He got to know Mr. Wickremasinghe quite well. On one of these visits, Mr. Wickremasinghe invited Vincent to take over the caretakership of his circuit bungalow situated in the Batalanda Housing Scheme. Mr. Wickremasinghe had actually said that, he (Mr. Wickremasinghe), had a house in his electorate at Biyagama, and requested him (Vincent) to come there. Vincent agreed to this suggestion. Within a week of this invitation, Vincent received a formal letter of appointment from the National Youth Services Council, appointing him to the new post. From the 1st of April 1982, Vincent assumed the post of the Caretakership of Mr. Wickremasinghe's circuit bungalow in the Batalanda Housing Scheme. The house in which Mr. Wickremasinghe's circuit bungalow was situated was the house bearing number A 2/2. Initially, Vincent worked as the caretaker of this house from April 1982 to 1985. After that period, he obtained a transfer once again to Nilaweli, since he was from that area, and since his parents were ill, and had to be looked after.

Once again, on the 1st of January 1987, Vincent was appointed to the Batalanda Circuit Bungalow. On that occasion, he worked at the Batalanda Circuit Bungalow till 31st of January 1994.

During the second period referred to above, Vincent was the only caretaker assigned to house bearing number A 2/2. Official records maintained by the State Fertilizer Manufacturing Corporation too, indicates that from 2nd March, 1983 to the 30th of April, 1989, house bearing number A 2/2 was assigned to the Ministry of Youth Affairs and Employment, as the Circuit Bungalow of Mr. Ranil Wickremasinghe. Thereafter, from April 1989 to August 1994, the same house was assigned to the Ministry of Industries as the Official Residence of Mr. Ranil Wickremasinghe. Mr. Ranil Wickremasinghe, in his evidence admitted that Vincent Fernando did in

fact work in this house, (A 2/2), as it's caretaker. As the caretaker of this house, he had to look after the house, and was also required to cook meals for Mr. Wickremasinghe. During the period 1988 to 1990, Mr. Wickremasinghe came to the circuit bungalow frequently, and on most occasions stayed overnight. This was more so during weekends. As time passed, it is clear that Vincent became a trusted employee of Mr. Wickremasinghe.

Vincent recalled the period of subversive activity. He said that, during this period, several Police Officers were in the habit of coming to the residence to meet Mr. Wickremasinghe, and discuss matters relating to subversive activity. The Police Officers who came included SSP Nalin Delgoda, ASP Douglas Peiris. They had meetings in the circuit bungalow. The meetings were attended to by Mr. Wickremasinghe. Vincent was required to serve tea to the participants. During such instances, he had the occasion to hear some of the conversations. He heard the participants discussing about the terror unleashed by the JVP. Discussions had also taken place regarding suspects being detained within houses in the Batalanda Housing Scheme. On certain occasions, referring to subversive suspects, he heard Mr. Wickremasinghe saying to the Police Officers "Get them out". Vincent stated that, what he understood under the circumstances was that, Mr. Wickremasinghe wanted the suspects destroyed.

Vincent also knew most of the Police Officers who resided in the Housing Scheme, and who were guarding the Circuit Bungalow. He used to talk with them. He knew their identities. Vincent said that, he had the occasion to listen to discussions which took place between, Police Officers who were working under ASP Douglas Peiris and Police Officers who were providing security to Mr. Ranil Wickremasinghe. He heard details relating to suspects including the fact that some of them being killed. Vincent claimed that, he had seen suspects being brought into the Batalanda Housing Scheme, for detention in the houses. Some of the houses in which persons were so detained were, B8, B4, and B1. On a certain occasion, Police Officers subordinate to ASP Peiris who were guarding house bearing number B 8, informed the witness that a suspect who was being detained in that house had escaped, and had inquired whether he had seen any suspicious person.

In his evidence, Vincent Fernando testified on the occupants of the houses which surrounded the circuit bungalow. On one side of the bungalow was A 2/3. According to the official records of the State Fertilizer Manufacturing Corporation, this house had been assigned on the instructions of Mr. Wickremasinghe, from 01st of November 1988 to the 25th of October 1989, to the Ministry of Manpower Mobilization, which functioned under Mr. Wickremasinghe. Thereafter, from 25th of October 1989 to August 1994, the house was allocated to the Care-taker of the Circuit Bungalow, Vincent Fernando. However, according to the evidence of Vincent Fernando, at all times relevant to the Commission, this had been used by the Staff of Mr. Wickremasinghe. It had been used for publicity work associated with Mr. Wickremasinghe. For example, posters had been stored in the house.

Next to A 2/3 was house bearing number A 1/7. According to the evidence of Vincent Fernando, it had been occupied by a Security Officer of Mr. Ranil Wickremasinghe, named Inspector Gunesekera. According to the official records maintained by the Fertilizer Manufacturing Corporation, it had been allocated to the Security Staff of Mr. Wickremasinghe. It is to be noted that, according to the evidence of the Liquidator of the Corporation Mr. Asoka Senanayake, the house next to A 1/7, namely A 1/8 had not been released for the use of Police Officers. However, he was aware that, Police Officers were using this house without any authority. Further, according to the evidence of Sub Inspector Ajith Jayasinghe, he had seen suspect Gamini Hettiaarachchi being hung inside this house. If Mr. Wickremasinghe has not approved of the conduct on the part of the Police, (in using this house to detain and torture persons), would the Security Officer to Mr. Wickremasinghe have tolerated such activity? Further, wouldn't he have kept Mr. Wickremasinghe informed of, what was happening in a house so close to the Official Circuit Bungalow?

We wish to comment on two matters, which were considered by the Commission, in evaluating the credibility of witness Vincent Fernando. Firstly, did the witness have the means of gathering the relevant knowledge? Further, did he have an opportunity of gathering the relevant information? Mr. Ranil Wickremasinghe did admit that, Vincent Fernando in fact functioned as the care taker of his circuit Bungalow. Hence he did have the means of knowledge, and the required opportunity. Further, his evidence on most matters were corroborated by other unchallenged evidence. The second matter that was considered in this regards was, did Vincent Fernando have a reason (or motive) to falsely implicate Mr. Wickremasinghe? Mr. Wickremasinghe did not give any specific direct reasons as to why Vincent Fernando ought to have given false evidence (which was adverse) against him. In the absence of such reasons, why should have Vincent Fernando uttered falsehood? Having considered the totality of the available material in this regard, this Commission sees no reason for rejecting the evidence of Vincent Fernando.

With regards to the evidence given by the Liquidator of the State Fertilizer Manufacturing Corporation, regarding the allocation of houses, and the houses occupied by Mr. Ranil Wickremasinghe, and his Security Personnel, there was no conflict in evidence. Mr. Wickremasinghe too agreed with that evidence. According to uncontradicted evidence, the position with regards to these houses were as follows:

1. A 2/2 - Circuit Bungalow of Mr. Ranil Wickremasinghe
2. A 2/1 - Occupied by a Security Officers of Mr. Ranil Wickremasinghe
3. A 2/3 - Allocated to the Circuit Bungalow Keeper of Mr. Ranil Wickremasinghe
4. A 1/7 - Occupied by a Security Officer of Mr. Ranil Wickremasinghe
5. B 2 - Used as an office of Mr. Ranil Wickremasinghe, and also used by the Security Officers of Mr. Wickremasinghe
6. B 1 - Occupied by Security Officers of Mr. Ranil Wickremasinghe

It should be noted that, these houses were situated in the very corner of the Batalanda Housing Scheme. Behind these houses were the rear fence of the Housing Scheme, and next to that was a large paddy field. This area was a high security area, since Mr.

Wickremasinghe lived there. Even the other civilian residents of the housing scheme were not permitted to freely walk about in this area. In fact, there was a barrier placed nearby. Hence, it was a well secured mini complex within the housing scheme. It is to be noted that whilst one of the torture chambers (B 2 - *Vide* evidence of T. M. Bandula) were situated within this 'mini complex' (which came within the direct control of Mr. Wickremasinghe).

It was put to Mr. Wickremasinghe that, a witness named T. M. Bandula testified that, he was illegally detained in B2. His evidence was briefly explained to Mr. Wickremasinghe. He explained that, in such a house, it was not possible for such a thing (as illegally detaining a person and torturing him) to happen. He added that, if in fact such a thing occurred, he should have necessarily known of it, since he used that house. Mr. Wickremasinghe did not for a moment take up the position that, house B2 may have been used for illegal activity, without his knowledge. In the final analysis of the situation since this commission has already (having considered the entirety of the evidence and other material) decided to firmly believe the evidence of witness T. M. Bandula, the irresistible conclusion which has to be arrived at is, that Mr. Wickremasinghe (to say the least) knew of the fact that house B2 was being used for the afore-mentioned illegal activities.

The second torture chamber was situated a few yards (approximately 100 yards) away from this 'mini complex' next to house number B7 in which another Security Officer of Mr. Wickremasinghe (namely Inspector Sudath Chandrasekera lived. This second house was B8. It was also situated in front of ASP Douglas Peiris' s house. B8 is situated on the way to the 'mini complex'. In fact, in the course of the evidence, Mr. Wickremasinghe admitted that on passing B8, he used to see armed police officers in civilian dress, guarding B8. The third house which had been used for the illegal activities referred to above, was situated immediately adjacent to this 'mini complex'. It was house A 1/8. It was situated immediately next A 1/7, in which a security officer of Mr. Wickremasinghe resided. The earlier mentioned security barrier had been placed near this house. This was the house in which, it was alleged that Police Officers were frequenting without authority (according to the evidence of the Liquidator of the Corporation), and where Ajith Jayasinghe stated that he saw suspect Hettiaarachchi was hung. There was clear evidence that, this house too had been used as a torture chamber. Under these circumstances, can Mr. Wickremasinghe be heard to say that, he was unaware of what was happening in these two houses as well ?

However, the inquiry of this Commission proceeded further to determine whether, persons in authority had more than a mere knowledge of the happenings in the torture chambers.

Meetings at the Batalanda Housing Scheme.....

During the course of the proceedings before the Commission, it transpired that certain discussions of meetings were held within the Batalanda Housing Scheme. It became necessary to consider in detail the exact nature of these meetings, mainly with the view to ascertain whether there was any link between the said meetings, and the establishment and the maintenance of the unlawful detention centres and the torture chambers. As per the terms of reference of the warrant, it was necessary to

inquire into whether there was any conspiracy in the Batalanda Housing Scheme, that led to the establishment and the maintenance of the afore-mentioned detention centres. We wish to now consider the evidence given by some of the important personalities who took part in these meetings, on the holding of these meetings, and the matters which were alleged to have been discussed at these meetings.

SSP Nalin Delgoda was the senior most Police Officer in the Kelaniya Police Division. If senior Police Officers of the Kelaniya Division had meetings in the Kelaniya area, one would have expected Mr. Delgoda to have been aware of the meetings, and had direct control over them. Hence, it is appropriate that, we commence by considering the version of Delgoda, with regard to these meetings.

According to the evidence of Nalin Delgoda, during the period relevant to the Commission, he had taken part in two or three meetings held in the Batalanda Housing Complex. Upon being questioned as to the exact venue of the meetings, the witness initially said that, they were held at the circuit bungalow of Mr. Wickremasinghe, and subsequently changed his position, and said that the meetings were held in the house situated in front of the circuit bungalow. He said that, the reason for having held these meetings, was to co-ordinate the security measures of the area, during the period of the insurgency. Delgoda said that, these meetings were held under the leadership of Mr. Wickremasinghe. Mr. Wickremasinghe had chaired these meetings. Counsel examined in detail the exact reasons for having held these unusual meetings. Delgoda initially said that, these meetings were held to ensure peace and public order. Upon being questioned in detail, he said that at the meetings they reported the nature of the subversive activities in the area. He finally, with a great degree of reluctance, agreed with counsel that, at the meetings they discussed the nature of the steps that had to be taken to suppress the subversives. We wonder why the witness was reluctant to openly give this evidence. Was it because, by 'suppression of the subversives', it was meant to do things which the Police were not legally empowered to do, such as extra judicial elimination ?

Counsel questioned as to why it was necessary for Mr. Wickremasinghe to have chaired these meetings. We inquired from the witness, why it was necessary to have Mr. Wickremasinghe to chair these meetings, especially since he was neither the Minister or the Deputy Minister of Defence. Delgoda explained that, it was so done in order to facilitate Mr. Wickremasinghe to give 'Political Leadership' to the Police Officers. At this stage, Counsel questioned the witness as to why a political leadership was required for law enforcement. Delgoda's answer to that was, that due to the situation which prevailed during that period, it was necessary to receive political leadership, and that he had no option on the matter than to abide to political directives. Delgoda explained that, it was not possible for him to bang his head on a rock. What the witness attempted to say was that, he had no option in the matter, and that if he attempted to change the situation, or refused to accede to the directives of the Political Leadership, it would have resulted in serious consequences to him. We clearly understood that, Delgoda was not in a position to justify the holding of these meetings, and that he suppressed to a great extent, what was discussed at these meetings.

Nalin Delgoda stated in evidence that, DIG M. M. R. (Merril) Guneratne also took part in the meetings at the Batalanda Housing Scheme. Therefore, in order to ascertain further details regarding these meetings DIG Gunaratne was examined in this regard.

According to the evidence of this witness, he had taken part in three meetings. Whilst one had been held in the Batalanda Housing Scheme, the other two had been held in the office of Mr. Ranil Wickremasinghe, at the Ministry of Industries. Mr. Gunaratne admitted that, one could not consider these meetings to have been the normal 'Security Co-ordinating Meetings', since they were normally held under the Chairmanship of the Chief Minister or the Government Agent of the area. Further, such meetings had been held at the Kachcheri's whereas, the meetings he attended under the chairmanship of Mr. Wickremasinghe were held elsewhere.

Another Senior Police Officer who admitted having attended these meetings was ASP Raja Dias. He said that, he had attended several meetings held under the chairmanship of Mr. Ranil Wickremasinghe. The meetings had been held in two houses in the Batalanda Housing Scheme. Whilst one of the houses were the one in which Mr. Wickremasinghe resided, the other was situated in front of the circuit bungalow. It was a lonely house. Mr. Wickremasinghe presided at the meetings held in the lonely house too. DIG Merrill Guneratne, SSP Nalin Delgoda, ASP Douglas Peiris, Inspectors Attapattu, Ranjith Wickremasinghe and other officers-in-charge of Police Stations in the Kelaniya area too participated in these meetings. The security Officers of Mr. Wickremasinghe stayed in this lonely house. It was situated in front of the circuit bungalow. The records maintained by the State Fertilizer Manufacturing Corporation which was produced before this commission, clearly indicate that, this house in which it was alleged that certain meetings were held in house bearing number B 2. Mr. Ranil Wickremasinghe also admitted that, security officers assigned to provide protection to him were housed in B 2. According to witness T. M. Bandula, he had been detained in this house, prior to escaping. Hence, it appears that, these meetings had been held in a house in which persons were being unlawfully detained. This was also one of the houses which had been used to torture persons who were being so detained. This circumstance, appears to link the holding of these meetings, with the establishment and the maintenance of the places of unlawful detention and torture houses. Further, can a person who took part in these meetings held in this house (B 2), ever claim that, he was unaware that persons were being detained and tortured in that house.

According to the evidence of ASP Raja Dias the meetings held in the circuit bungalow were only for a few police officers. He too participated in such meetings. Invitations to take part in these meetings were sent to even Officers-in-Charge of Police Stations, by Mr. Ranil Wickremasinghe. We wonder why Mr. Wickremasinghe took this unusual step of inviting Police Officers for discussions of this nature. One would have expected the relevant instructions to take part in discussions to have been sent to Police Officers, either by the Police Headquarters, or the Officer-in-Charge of the relevant Police Division.

From the available material, there appears to be no doubt that, in so far as these 'meetings' were concerned, there had been two key personalities. They were ASP Douglas Peiris and Mr. Ranil Wickremasinghe. In this regard, it is unfortunate that, the Commission did not have the benefit of considering ASP Douglas Peiris's testimony. However, Mr. Ranil Wickremasinghe was available, and he was examined in this regard.

According to the evidence of Mr. Wickremasinghe, there had been two types of meetings. The first type was the District Security Co-ordinating meetings, held at the Gampaha Divisional Secretarial Office. These meetings had been either chaired by Mr. Ranjan Wijeratne (the former Deputy Minister of Defence) or by him. The second type of meetings were held in the Batalanda Housing Scheme, in house bearing No. B2. Mr. Wickremasinghe admitted that, the earlier mentioned officers attended these meetings. As stated by some of the Senior Police Officers who were examined by the Commission with regard to these meetings, the general security situation had been discussed at these meetings. In particular, the threat to Government Institutions, and the threat posed by the subversives to Public Order had been the themes of the discussions. He admitted that he summoned these meetings and noticed the required Police Officers to attend them. The then Minister of Education in the Western Provincial Council, Mr. Suranimala Rajapaksha had attended these meetings. Both of them had been the only two politicians who attended these meetings. Mr. Wickremasinghe could not give any specific government decision, based upon which he summoned these meetings and Chaired them. Further, he could not explain as to why only a certain aspect of the Law and Order situation (namely the threat to the security of the area by the subversives) was discussed at these meetings at Batalanda, and why the other matters such as the abduction of persons and the appearance of dead bodies in the area, were not discussed. Further, whilst Mr. Wickremasinghe originally admitted that, they did discuss regarding the threat to Police Officers by the subversives, he subsequently attempted to deny that such matters were discussed, and thereby sought to distance himself from such discussions.

According to Mr. Wickremasinghe, after these meetings (held at B2) were over, he used to invite a few of those who came for the meetings for some refreshments, to the circuit bungalow, which was situated in front of B2. He said that, at the circuit bungalow, they did not discuss in detail the security situation. When Mr. Wickremasinghe testified on this matter, we were reminded of the testimony of Vincent Fernando. Who would have served the refreshments to those visitors? Could that person who served the refreshments have had the opportunity to thereby hear what was being discussed? (The test of 'means of knowledge' was applied to the testimony of witness Vincent Fernando.)

With regard to Mr. Wickremasinghe's testimony we observe that, his answers were evasive. Further, upon confronting Mr. Wickremasinghe with the testimony of ASP Raja Dias to the effect that, there were discussions held in the circuit bungalow, Mr. Wickremasinghe had no comment to make. Further, his Counsel too did not move to cross examine ASP Dias in this regard. Mr. Wickremasinghe also did not have any comment on Nalin Dellgoda's position that, he attended these meetings and carried out the relevant directives, since he did not want to strike his head on a rock. Mr. Wickremasinghe evaded directly commenting on what Delgoda said, by stating that, he (Mr. Wickremasinghe) did not think that Mr. Delgoda would say such a thing. It is to be noted that, Counsel who assisted the Commission, in fairness to Mr. Wickremasinghe put to him, the relevant testimony of the relevant witnesses, even though Mr. Wickremasinghe did have a direct opportunity to study all the proceedings of the Commission, till he testified before the Commission. Hence, Mr. Wickremasinghe did have the occasion to directly comment on and explain the testimony of the other witnesses.

This Commission did not naturally expect any of those who gave evidence on these meetings at Batalanda to admit that, they discussed criminal activities, such as using the Batalanda houses to illegally detain persons, how information could be elicited by torturing those in detention and how to 'get rid of' such persons finally.

What is important to note is that, no two witnesses who testified on these 'meetings' held at Batalanda could give identical evidence on the venue, number of meetings, the nature of the matters discussed at the meetings and the follow up action taken after the meetings. If these meetings were formal, and if what were discussed at these meetings were legal and proper matters, why should there have been such discrepancy ?

From the above accounts, it would be clear that, the meeting held at the Batalanda Housing Scheme cannot be considered as formal meetings. Further, the meetings appear to have been conducted in an informal manner. Witnesses admitted that no minutes were maintained of the matters discussed at these meetings, and that of the decisions taken at the meetings. It is to be noted that, these meetings have to be distinguished from the meetings that were held at Government Agents (or Divisional Secretarial) Officers. During the period of the insurgency, special meetings had been held at these offices to coordinate the security measures that were to be adopted. These meetings had been attended to by Police Officers, Armed Forces Officer, and Senior Administrative Officers. On certain occasions, Politicians of the area too had attended these meetings. For the Kelaniya Police Division, these meetings had been held at the Gampaha Kachcheri. The Commission sees no objection to the holding of these formal meetings, referred to as the 'District Security Co-ordinating Meetings'. Further, since the necessity to take stock of the deteriorating security situation, and mapping out legal strategies to deal with the situation, and enforcing preventive steps were successfully arrived at in these formal 'District Security Co-ordinating Meetings', what was the necessity for Mr. Ranil Wickremasinghe to have summoned the other meetings at Batalanda? Was it to discuss matters that could not have been discussed at the formal 'District Security Co-ordinating Meetings'? What were the matters that could not have been discussed at the formal meetings? There was no reason not to have discussed anything legal at these meetings. Hence, one can only conclude that, those matters which were discussed at the Batalanda meetings were 'illegal'.

However, the meetings which had been held at the Batalanda Housing Scheme, had been quite different. They were held under informal conditions. The objectives of these Meetings which were chaired by Mr. Ranil Wickremasinghe, were not quite clear. Even though, those who took part in these meetings, attempted to explain the purpose for which the meetings were held, this Commission is not at all satisfied with the relevant explanations. The common position was that, they were held to review the security position, and to map out strategies to deal with the situation. However, all the witnesses agreed that, what was discussed at these meetings were, only the subversive activities perpetuated by suspected JVPers. They did not discuss, the activities of common criminals, who posed-off as subversives. They also did not discuss the activities of armed groups (referred to as 'vigilante groups'), who were roaming the area in vehicles sans their registration numbers, armed with sophisticated

weapons, and indulging in serious criminal activities such as murder and abduction. They also did not discuss the appearance of dead bodies in public places, and the tyre pyres, which most of the witnesses admitted was quite a common site during the relevant period. Why were the discussions centered only on the activities of the JVP ? If the relevant meetings were formal, and based on Government a government decision, need not the matters mentioned above have been discussed, and appropriate decisions taken ?

The other matter which the Commission was concerned is, as to why Mr. Ranil Wickremasinghe chaired these meetings. Mr. Wickremasinghe was not the Minister or the Deputy Minister of Defence. As far as his official duties were concerned, he was not required to supervise the activities of the Police. If so, why did he take part in the meetings and chair them ? Did his conduct stem from the fact that, he was in fact directing the activities of the Kelaniya CSU, from the Batalanda Housing Scheme ? In this regard, one is reminded of the evidence of witness Vincent Fernando, on the meetings said to have been held at the circuit bungalow of Mr. Wickremasinghe. What is connected to this evidence is, the evidence relating to the death of Attorney Wijayadasa Liyanaarachchi.

Attorney Wijayadasa Liyanaarachchi.....

Late Mr. Wijayadasa Liyanaarachchi was an Attorney-at-Law. Apart from practicing on his own in Haultsdorp, he functioned as a Junior Counsel to, one time Director of Public Prosecutions and a former President of the Bar Association of Sri Lanka, President's Counsel Mr. Ranjith Abeysuriya. On or about the 25th of August, 1988, Attorney Liyanaarachchi suddenly went missing. Soon afterwards, Mr. Abeysuriya and others concerned of the safety of the Attorney, frantically started to look for the missing person. The obvious institution to which they ran to was the Police. This was not only because it was suspected that the Attorney was suspected of having been abducted by somebody, but also because it was suspected that the Police may have arrested him. One reason for such doubt was because Attorney Liyanaarachchi was frequently appearing for suspected JVPers (who had been arrested and detained by the Police), and also in Habeas Corpus Applications filed on their behalf. Therefore, it was believed by certain individuals that, this Attorney had close links with the Janatha Vimukthi Peramuna. Hence, it was suspected that, he may have been arrested by the Police.

On the 29th of August, the Secretary to the Ministry had inquired from the then Inspector General of Police Earnest Perera, whether Liyanaarachchi had been arrested by the Police. Since the IGP was not personally aware of the matter, he made inquiries from the Deputy Inspector General of Police for the Greater Colombo area, who confirmed that Police Officers coming under his purview had not caused the arrest of Liyanaarachchi. Surprisingly, on the same day, Mr. Ravi Jayawardena (the son of former President J. R. Jayawardena), who during the relevant period functioned as a Security Advisor to the Ministry of Defence, 'suggested' to the IGP that, Attorney Liyanaarachchi 'may have been' arrested by the Tangalle Police. We are unaware of how Mr. Ravi Jayawardena formed such an impression. However, what Mr. Jayawardena had suggested to the IGP had been taken quite seriously by the IGP.

He immediately contacted the Deputy Inspector General of Police for the Southern Range Mr. Premadasa Udugampola (under whose supervision Tangalle fell), and inquired from him, regarding the missing person. Udugampola informed the IGP that, he was unaware of such arrest. The IGP proceeded to check with the Superintendent of Police for Tangalle, Mr. Karavitage Dharmadasa, who unofficially admitted that, the Attorney was in custody at Tangalle.

It appears that by this time, Mr. Ranjith Abeysuriya and others concerned with the safety of Liyanaarachchi, too had got to know that the Attorney was being held in Tangalle. Hence, on the morning of the 31st of August, Mr. Abeysuriya contacted Secretary to the Ministry of Defence General Sepala Atygala, and made submissions that it was being feared that, Liyanaarachchi's safety was in doubt, whilst he was being detained in the South. Secretary to the Ministry also deemed it necessary to have the detention of Liyanaarachchi formalized. He directed DIG Udugampola to serve a detention order on suspect Liyanaarachchi. It appears that, Mr. Atygala felt that it would ensure that the relevant authorities would not do anything extra judicial to Liyanaarachchi, once the detention was formalized. However, both the Secretary to the Ministry of Defence, and the IGP did not want the suspect to be further detained in the south. It appears that, they could not guarantee the safety of the Attorney, whilst he was being detained in the South. Hence, in order to ensure the safety of the suspect, it was decided by them to cause the transfer of the suspect Attorney to Colombo. On the same day, they assured Mr. Abeysuriya that, the suspect would be brought to Colombo to ensure his safety.

Meanwhile, according to the evidence of Ernest Perera, on the 31st around 12 noon, Mr. Ranil Wickremasinghe contacted him over the phone, and 'wanted' the IGP to cause the suspect to be brought to Colombo and be handed over to the 'Special Team Operating in Kelaniya Division'. Accordingly, the IGP gave appropriate instructions to cause the transfer of the suspect from Tangalle, to the Police Unit referred to by Mr. Wickremasinghe. The IGP also summoned ASP Douglas Peiris, and gave him instructions to take over Liyanaarachchi, once he is brought. On the 1st of September, suspect Liyanaarachchi was transferred from Tangalle to Sapugaskanda by Inspector Karunaratne of the Matara Police. At Sapugaskanda he was taken over by Inspector Ranjith Wickremasinghe, the OIC of Kelaniya CSU.

According to the available material (based on entries made by Inspector Wickremasinghe and other Officers of the CSU), since Liyanaarachchi was not feeling all that well, he had not been interrogated by them. By the evening of the 2nd of September, Liyanaarachchi's condition deteriorated, and on the instructions of the DIG of Colombo, Liyanaarachchi was admitted to the Accident Service of the Colombo General Hospital on the 2nd of September at about 11.00 p. m., by Inspector Wickremasinghe. Liyanaarachchi was subsequently transferred to the Intensive Care Unit of the Hospital. After about thirty minutes passing midnight, the patient went into Cardio-respiratory arrest, and resuscitation was not successful. At 12.55 a. m., he was certified dead. The Post Mortem Examination of the deceased was conducted by the Judicial Medical Officer of Colombo, Dr. L. B. L. De Alwis. According to his findings, the death of Wijedasa Liyanaarachchi was due to "Shock and Haemorrhage, following multiple musculo-skeletal injuries, caused by blunt weapons". Dr. De Alwis

had noted approximately 207 external ante-mortem (caused before death) injuries on the body of deceased Liyanaarachchi. This had been further to numerous internal injuries spread all over the body. According to the extensive investigations conducted by the Judicial Medical Officer (in the form of histological studies), the majority of the injuries observed on Liyanaarachchi had been caused three to eight days prior to his death. This was another classical case of 'Death caused by Police assault'.

This opinion obviously assisted the investigators and the Prosecuting Authority to pin responsibility on identifiable persons for having caused injuries to Liyanaarachchi, which resulted in his death. It was admitted by the Superintendent of Tangalle, Karawitige Dharmadasa at the inquest held into the death of Wijedasa Liyanaarachchi that, he along with two subordinate Police Officers came to Colombo and arrested Liyanaarachchi on the 25th of August, and thereafter took him to Tangalle and detained him at his 'Official Residence'. During the period of detention, they admitted having interrogated Liyanaarachchi, but denied having tortured the suspect. On the basis of the admission referred to above, coupled with the Opinion of the Judicial Medical Officer, the Hon. Attorney General, indicted SP Karawitige Dharmadasa and his two Subordinate Officers, for having conspired to murder and murdering Liyanaarachchi.

The trial was before a Trial-at-Bar, comprising of three High Court Judges. The trial commenced in December 1989. The accused pleaded 'not guilty' to the charges on the Indictment, and the trial commenced. At the end of the trial, before the verdict being delivered, quite suddenly and surprisingly, the accused pleaded guilty for having abducted and wrongfully confining Wijayadasa Liyanaarachchi. The Trial-at-Bar acquitted the accused of the charge of Murder, on the bases that, the Prosecution had not proved beyond reasonable doubt that the accused before Court had in fact murdered Liyanaarachchi. The question which arises for consideration is, if those who were indicted were not responsible for having mercilessly assaulted Liyanaarachchi resulting in his death, who did so? Who is actually responsible for the death of Liyanaarachchi? Did others, other than Karawitige Dharmadasa and his Officers, assault Liyanaarachchi? If so, was it whilst he was detained at Tangalle, or was it whilst he was at Sapugaskanda? Answers to these questions would only be known to those who were responsible for the relevant criminal activity.

However, with regard to the period of detention at Sapugaskanda, we observe the following features. It is strange that, on the very same day Liyanaarachchi is said to have been brought to the Sapugaskanda Police Station, the CSU which till then was functioning from the Peliyagoda Police Station, was transferred to the Sapugaskanda Police Station. In fact, according to the official entries, Liyanaarachchi had been the first and the only suspect to have been detained at the Sapugaskanda Station, after the CSU was transferred. No valid reason could be given for the said transfer. No two Police Officers of CSU questioned by the Commission, could give identical evidence on the shifting of the CSU from Peliyagoda to Sapugaskanda. This Commission has serious doubts, as to the purpose of the alleged transfer of the CSU from Peliyagoda to Sapugaskanda. Was it given effect to retrospectively, after the death of Liyanaarachchi? As stated above, the CSU was originally situated in the Peliyagoda Police Station. The Peliyagoda Police Station is situated on the main Kandy Road. It was common knowledge that, CSU was situated in the Peliyagoda Police Station.

Upon Liyanaarachchi being transferred to Colombo, the IGP had to inform those who were concerned about the safety of Liyanaarachchi (such as Mr. Ranjit Abeysuriya) that he was being detained at the Kelaniya CSU. If so, persons such as Mr. Abeysuriya and other Lawyers would have definitely sought permission from the authorities and proceeded to the Peliyagoda Police Station to see Liyanaarachchi. By this time, those concerned with the interrogation and the torture of Liyanaarachchi were not ready to show Liyanaarachchi to any outsider. He was certainly not in a position to be shown. Further, by this time, Liyanaarachchi was infact being detained at the Batalanda Housing Scheme. Having considered all the evidence of the Police Officers who testified on having allegedly guarded Liyanaarachchi at the Sapugaskanda Police Station, we totally reject their testimony. We are firmly of the conclusion that, the alleged transfer of the Kelaniya CSU from Peliyagoda to Sapugaskanda was affected, only for the purpose of indicating that Liyanaarachchi was detained at the Sapugaskanda CSU.

It is suspicious as to why Mr. Ranil Wickremasinghe intervened, an wanted Liyanaarachchi brought to Colombo and handed over to the Special Unit operating in the Kelaniya Division. It is obvious that Mr. Wickremasinghe wanted the suspect to be handed over to the Kelaniya CSU. Mr. Wickremasinghe 's position before the Commission was that, he never rang-up the IGP and give him instructions to such effect. His position was that, the IGP contacted him over the phone, and told him of their decision to transfer Liyanaarachchi from Tangalle to Colombo, and whether he had any objection to Liyanaarachchi being sent to Sapugaskanda for detention. He said that, he had no objection. This position is quite different to what the IGP stated before the Commission, based on a note prepared by him on the 6th of September 1988. A copy of the document was produced by him, marked X 85. Soon after the death of Liyanaarachchi, Mr. Lalith Athulathmudali wanted the IGP to prepare a note detailing the sequence of event relating to the arrest and detention of Liyanaarachchi, since he wanted the same to answer a question that had been raised in Parliament, on the death of Liyanaarachchi. X 85 was a copy of the note Ernest Perera made in that regard. The note clearly States that, it was Mr. Ranil Wickremasinghe who wanted the suspect to be brought to Colombo and handed over to the special unit operating in Kelaniya. Way back in 1988, why should have the IGP made an contemporaneous false note which adversely affects Mr. Ranil Wickremasinghe? Further, if in fact what Ernest Perera stated in this regard before the Commission was incorrect, why didn't the Counsel representing Mr. Wickremasinghe move to cross-examine Ernest Perera? No such application was made on behalf of Mr. Wickremasinghe. Further, even if we were to presume that what Mr. Wickremasinghe stated in this regard was correct, why should the IGP of the country inquire from the Minister of Industries, whether he had any objection to Liyanaarachchi being brought to Sapugaskanda for detention (which was situated in the electorate represented by the Minister), unless of course the Minister of Industries was in fact handling and directing the operation of this 'Special Unit', which operated in the Kelaniya area? However, we wish to clearly state that, the Commission has no doubt on the evidence of Ernest Perera on this issue, and accordingly clearly reject the testimony of Mr. Wickremasinghe.

On that premise, the question to be answered is, why did Mr. Wickremasinghe require the IGP to hand-over Liyanaarachchi to the afore-mentioned Special Unit? What was the necessity for Mr. Wickremasinghe to have got involved in this 'police

matter'. Did his conduct stem from his involvement in the activities of the Kelaniya CSU? It certainly was not an official act on his part, being the Minister of Industries and Scientific Affairs. Even if the Kelaniya CSU was interested in interrogating Liyanaarachchi, it was a matter to have been attended to by ASP Douglas Peiris. This is a incident, which clearly indicates the extent to which Mr. Wickremasinghe was involved in the activities of the CSU. One would now observe the relevancy of the so called 'meetings' held at the Batalanda Housing Scheme. To add to this, is the evidence of the IGP, that he was aware that, this 'Special Unit' in fact operated from a house in the Batalanda Housing Scheme. If so, where was Liyanaarachchi in fact brought to? It appears to have been not to the Sapugaskanda Police Station, but to a house in the Batalanda Housing Scheme. The investigations conducted by this Commission and the evidence revealed before the Commission, clearly indicates the prudence on the part of the Judges of the Trial-at-Bar in not having convicted SP Karawitage Dharmadasa and his subordinates for having murdered Liyanaarachchi.

A Schedule is annexed hereto detailing briefly the position regarding the houses at the Batalanda Housing Scheme.

CHAPTER VI

The Attack on the Sapugaskanda Police Station

As mentioned earlier, the Sapugaskanda Police Station which functioned in the Kelaniya Division, was relatively a small Police Station. In 1989, it had been classified a "C" Grade Police Station. The main two storied building of the Police Station was rather new, and was situated about 10 meters away from the Kiribathgoda - Biyagama road. The main duty entrusted to the officers of the Sapugaskanda Police Station was providing security to the Sapugaskanda Oil Refinery. However, security within the establishment had not been entrusted to the Sapugaskanda Station. As in the case of any other Police Station, officers of this station were required to attend to normal security and police duties. One main security duty entrusted was to provide security to Mr. Ranil Wickremasinghe when he visited the area, and when he resided at the Batalanda Housing Complex. Officers of this station had been required to guard the relevant residence in which Mr. Wickremasinghe resided, and to guard the surrounding area.

On the 11th of July 1989, Inspector of Police Lalith Mahanama had assumed duties as the Officer-in-Charge of the Sapugaskanda Police Station. Sub-Inspector of Police Rohitha Priyadarshana was the Officer-in-Charge of the Crimes Division of the Station.

The night of the 16th of July 1989, had not been a special day for the Officers of Sapugaskanda. The newly appointed Officer-in-Charge of the Station Lalith Mahanama having return to the Police Station with Sub-Inspector Rohitha Priyadarshana from a routine duty, had retired to his ground floor rest room in the station. Sub-Inspector Priyadarshana had continued to be on duty. He had been the next most senior Officer at the Station. On instructions given to Priyadarshana by Lalith Mahanama, the latter had left the Station at about 2.00 a. m. on the early hours of the 17th, with four other Officers, on mobile duty.

At about 2.55 am, quite suddenly a loud explosion had taken place on the rear upper floor of the Station. Officers had suddenly awoken from their places of rest due to this loud explosion. The sound of the explosion had been heard by persons living miles away. In fact, Sub-Inspector Rohitha Priyadarshana and party, who were several miles away at Mawaramandiya too had heard the sound, and having suspected that something may have gone wrong, had started to proceed back to the Station. Prior to having turned back, he had attempted to contact the Sapugaskanda Station, but had not been able to establish contact with his mobile communication set. Thereafter, he had contracted the Kadawatha Police Station, and had warned the Officer at that end of what he had heard, and had requested that they inform the surrounding Police Stations that the Sapugaskanda Police Station is in trouble. He may have arrived at this conclusion, since the Officer at the radio set in Sapugaskanda did not answer his call.

At the Sapugaskanda Station, virtually simultaneously with the explosion, the Station had been attacked with gun fire from the right hand side of the building. On

this side of the building had been a bare land, owned by a coroner. The Officers who were guarding the Station from the Guard Post which was situated near the main entrance to the station compound (which was situated in front of the main building) had seen persons firing at the Station main building from the side of the bare land. Some of the attackers had been successful in scaling the wall separating the Police Station compound and the bare land. It appears that some of the attackers had entered the compound, and even entered the Station building. Inspector Lalith Mahanama, who had woken up, had started to fire towards the attacker. However, an attacker had come very close to the room in which Lalith Mahanama was, and had been successful in shooting down Inspector Mahanama. At or about this time, the attackers had demanded that the rest of the Officers surrender. Police Sergeants Rupananda and Ariyaratne along with the other Officers, had gallantly retaliated the attack, by gun fire. The firing had gone on for some time. Unable to cope-up with the retaliation by the Police, the attackers had started to withdraw through the same route they took to enter the compound of the Station. As the firing stopped, a group of Army Officers too had arrived at the scene. Virtually at the same time, Sub-Inspector Priyadarshana and his team too had returned. Both these teams too had fired. However, to the credit of the few officers who were inside the Sapugaskanda Police Station at the time of the attack, it must be noted that, they had been the main force that bravely repulsed the attack. This is evident by the fact that some of the Officers who retaliated from inside the Station building such as Inspector Lalith Mahanama, Reserve Constable 6584 Sarath Kumara and 12336 Dayananda died as a result of injuries sustained by them in the attack, and Sergeant Rupananda and another received gun shot injuries. Further as a result of the counter attack by the Police Officers who were inside the main building and at the guard post in front of the building, two attackers were killed by gun fire.

Moments after the attackers withdrew, Police Officers had searched the surrounding area, and the bodies of two attackers were found in the earlier mentioned bare land. The injured had been rushed to the hospital by Rohitha Priyadarshana, where it was pronounced that three of the officers had succumbed to their injuries. Upon searching the station, it was found that the attackers had been successful in taking away three weapons, namely a 84S rifle, the service revolver of Inspector Lalith Mahanama, and a repeater shot-gun which had been in the possession of Officer Sarath Kumara. The area surrounding the toilet which was on the rear of the upper floor of the station building had been severely damaged. The ceiling had come down. Some of the nearby walls had also been extensively damaged. Officers who conducted the preliminary investigation into the incident, such as Assistant Superintendent of Police Raja Dias had got a clear impression that the damage to the building had been caused as a result of a bomb exploding inside the toilet. Without proceeding further, it is appropriate to note at this stage itself that, none of the officers who were at the scene within hours of the attack had considered it necessary to invite the Government Analyst to inspect the scene. It appears that one of the main objectives of these officers, including the Deputy Inspector General of Police of the area Merrill Guneratne, Senior Superintendent of Police (in whose command the Sapugaskanda Police was) Nalin Delgoda and ASP Raja Dias, had been to repair the damage caused to the building. This is apparent when consideration is given to the Officers Visiting Book entries relevant to this incident and in particular the entries made by SSP Nalin

Delgoda within a few hours of the incident. Not a single Officer mentioned above could give a satisfactory explanation as to why the government Analyst was not invited to examine the scene. The Government Analyst being brought to the scene was very important since, several empty cartridges were found at the scene. In the event of suspects who participated in the attack being apprehended, and if suspected weapons used in this attack were also recovered, the evidence of the Government Analyst would have been vital to establish the role played by each of the suspects. It is elementary to invite the Government Analyst to visit such a scene. One is reminded of the recent assassination of Indian Prime Minister Rajiv Gandhi, wherein the scene of the crime was not disturbed for nearly two years. In contrast with that incident, what did the senior most officers do in the instant case. They immediately brought in masons to repair the building. What was the hurry in doing so. Was somebody interested in covering up the evidence which may give rise to the identity of the attackers ?

The first two senior officers to arrive at the scene had been ASP Raja Dias and ASP Douglas Peiris. They appear to have arrived at the scene around 3.15 a.m. According to the earlier mentioned notes of SSP Nalin Delgoda, he had arrived at the scene around 3.20 a.m. However, according to the oral evidence of Nalin Delgoda, by the time he arrived at the scene, it had been close to morning, and the area had begun to light-up. Under these circumstances, we wonder why Nalin Delgoda's oral evidence clearly contradicted his notes. At about 4.00 a.m. DIG Merrill Guneratne had arrived at the scene.

The investigations which followed

The attack on the Sapugaskanda Police Station would have come as a rude shock to the Law Enforcement Agencies. One may have been reminded of the attacks on Police Stations by the JVP in April 1971. Hence, we inquired into in detail the investigations conducted by the Police in relation to this attack. Even though, on the face of the attack it appeared that a well organized group had mounted the attack, it was necessary for the investigators to go into the matter in detail, with the intention of ascertaining the identity of the attackers, the conspirators and those who aided and abetted the attackers. It was also of paramount importance to ascertain the motive for the attack. Further, the attack indicated the nature of the security of the area. Sapugaskanda was an area in which a Cabinet Minister lived for at least two to three days per week. Conducting a comprehensive investigation was also necessary for another reason. It was apparent, that some person had planted the explosive device in the toilet situated in the upper floor of the Police Station. Who had done it ? Was there an internal involvement ? We will now examine the investigations done in this regard.

Both DIG Merrill Guneratne and SSP Nalin Delgoda who had arrived at the scene and examined the place and made notes relating to their observations had given instructions regarding the manner in which the investigation ought to be conducted, and had supervised the investigation. ASP Raja Dias had been entrusted the duty of conducting the investigation. Attempts made by the Commission to trace the file into which the original investigational notes are alleged to have been put into by Raja

Dias, was not successful, since the relevant file was missing from the Kelaniya Police Division. However, the notes of Inspector Wickremasinghe of the Counter Subversive Unit, Kelaniya, who had conducted the investigation as a subordinate of Raja Dias was available.

As mentioned earlier, soon after the attack was repulsed, the dead bodies of two of the attackers were found in the bare land which was situated on the right hand side of the Station. The detection of these bodies had taken place within minutes of the attack being repulsed, and all senior officers who arrived at the scene, including Merril Guneratne, Nalin Delgoda and Raja Dias had been privy to the finding. One would have expected the investigators to have considered the finding of these two bodies as a price catch, and proceeded with the inquiry immediately to identify these bodies and proceed from that point. It needs no mention that the identification of these two bodies would have been of immense assistance to identify the entire group responsible for the attack, and would have also given a clue on the motive of the attackers.

Along with the finding of the bodies, Officers of the area had identified one of the bodies of being that of Sumith Perera *alias* Kaluwa. Early in the morning of 17th July, Inspector Wickremasinghe (the Officer in Charge of the CSU) rushed to the Biyagama Police Station, and brought down Police Constable 27388 Sujeewa Dhammika, to the Sapugaskanda Police Station. He had been produced before ASP Raja Dias. The ASP had informed Sujeewa Dhammika that his brother-in-law had participated in the attack of the Sapugaskanda Police Station, and had been killed in the ensuing battle. He had proceeded to where the body was, and had identified the body of Sumith Perera *alias* Kaluwa. It appears that, Sujeewa Dhammika had been arrested at this point of time, and thereafter detained at the Sapugaskanda Station for a period of 14 days. At the end of that period, he had been produced before a Magistrate and enlarged on bail. This case had been called in the Magistrate Court on three occasions, and subsequently he had been discharged. No further action had been taken against him. He has remained in service.

On the morning of the attack itself, Inspector Wickremasinghe himself had also arrested the wife of Sumith Perera *alias* Kaluwa, Shirani Perera *alias* Lalani Renuka. She had been living at No. 50, Jayaweera Mawatha, Gonawala. At the time of arrest, Wickremasinghe had informed her, that her husband Kaluwa had died when he was attacking the Sapugaskanda attack. Having arrested her, she had been brought to the Sapugaskanda Police Station, wherein she had identified the body of Kaluwa. She too had been detained at the Sapugaskanda Station, on a detention order. On the 10th of August 1989, she had been produced before a Magistrate, and she had been discharged from further proceedings.

Under these circumstances, the Commission proceeded to ascertain who Sumith Perera *alias* Kaluwa was. Sumith Perera was the son of Piyadasa Perera of Gonawela. Piyadasa Perera had seven brothers. They were Samie Perera, Harold Perera, Vincent Perera, Cyril Perera, Shelton Perera, Sunil Perera *alias* Gonawela Sunil and Tudor Perera. Sumith Perera had been working at a private Company named Burgen Lanka, as a Supervisor. He had got married to Shirani Perera *alias* Lalani Renuka in 1985.

It had been a well known fact that the Perera family of Gonawela were active supporters of the United National Party. Of those who took part in active politics had been an uncle of Sumith, Sunil Perera *alias* Gonawela Sunil. According to Mr. Ranil Wickremasinghe, Gonawela Sunil had been an active supporter of his, and had functioned as a regional leader (“ Pradeesheeya Nayakayek ”) of the UNP. Gonawela Sunil had been closely associating Mr. Wickremasinghe for a long period of time. Mr. Wickremasinghe had even been invited for parties at Gonawela Sunil’s residence. Gonawela Sunil had been in the habit of going to the Katunayake Airport to welcome Mr. Wickremasinghe, when he returns to Sri Lanka from abroad. Mr. Wickremasinghe admitted this fact, when a photograph of Mr. Wickremasinghe in the company of Gonawela Sunil and others at the Airport was shown to him. Gonawela Sunil’s residence had been frequently used for small pocket meetings of the UNP. According to the evidence of Vincent Fernando, the caretaker of the circuit bungalow in which Mr. Wickremasinghe resided at Batalanda, Gonawela Sunil had been a frequent visitor to the circuit bungalow, when Mr. Wickremasinghe stayed.

Apart from his political activities, Gonawela Sunil appears to have had a criminal record too. In the late 1970’s he had raped the daughter of one Dr. Paul. After trial Gonawela Sunil had been convicted and sentenced to 15 years imprisonment. In the appeal too, his conviction had been affirmed, and the appeal had been dismissed. However, soon after the hearing of the appeal, Gonawela Sunil had received a pardon from the Government of that day, and accordingly he had been released from prison. The circumstances under which he received the pardon is still in doubt. Apart from this incident, Gonawela Sunil is said to have been involved in the pilferage of oil which was been transmitted through an underground pipe from Kolonnawa to Sapugaskanda. However, it appears that no criminal action had been instituted against him. Notwithstanding his criminal record, Gonawela Sunil had been appointed an All Island Justice of the Peace. From all the evidence which was placed before this Commission and all other material to which this Commission had access to, it is quite clear that, Gonawela Sunil was a person who had the blessings of the powers that be. Gonawela Sunil had been gunned down by suspected subversives in early 1988. It had been the widely accepted theory that Gonawela Sunil had been murdered by the subversives, since he was an active supporter of the UNP. There was no evidence before the Commission that, any member of the Perera family of Gonawela were members of supporters or any other political party other than the UNP. The position relating to Sumith Perera *alias* Kaluwa was no exception.

The other uncle of Sumith Perera, Shelton Perera was also arrested on the day of the attack on the Sapugaskanda Police Station, by ASP Douglas Peiris, Shelton’s wife Munasiri Kankanamge Ranjini had brought this to the attention of Mr. Ranil Wickremasinghe. Soon afterwards, on the 18th of July, Shelton had been released from custody. Prior to his release, Shelton had been questioned, and his statement had been recorded by Inspector Wickremasinghe. In the statement, he has categorically stated that, he had nothing to do with either the JVP or any other subversive group. However, he has stated that he along with Kaluwa had closely associated certain under-world figures such as Sotthi Upali, Anil of Rajagiriya, and Densil of Koholwala (who according to Shelton had been working at Mr. Paul Perera).

According to Shelton, none of these persons had any subversive links. It is noteworthy that, in his statement, Shelton has stated that, Kaluwa had taken part in JVP activities during the past two years, arrested by the Police in that regard, warned and released. He has not given further details. Nor, has he been questioned in this regard. What is surprising is why Inspector Wickremasinghe did not question Shelton further in this regard. Further, if Shelton had been previously arrested in relation to suspected JVP activities, why did the Police warn and release him ? On the other hand, did Kaluwa take-part in ' JVP style ' activities for personal gain, or on the instructions of some other party ? It is reasonable for one to think in that way, since according to the evidence of Inspector Wickremasinghe, and the intelligence possessed by the relevant authorities, they had no grounds to believe that Kaluwa was a JVP subversive. No other JVP suspect in police custody had divulged to police investigators that, Kaluwa was also one of them. Hence, who was Kaluwa ? What were his involvements ? What was the gang or group that attacked the Sapugaskanda Police Station ? Why did they launch the attack ? In the light of the abovementioned, it was incumbent on the relevant investigators to have conducted a comprehensive investigation into the entire episode. Such an investigation was not conducted. No attempt was made to ascertain the truth.

According to Shelton, during the period preceding the attack, Kaluwa and he had closely associated certain prominent under-world figures such as Sotthi Upali. It appears that nobody in the investigations Unit had thought it appropriate to question such persons ? In fact what did they do ? They released all the suspects who were in their custody.

However, further light into this incident was thrown with the arrest of Adduma Hetti Widanelage Shanthalal, a temporary labourer who at that time had been attached to the Sapugaskanda Police Station. He had been arrested on the 15th of August 1989, by Inspector Wickremasinghe. By the 23rd of August, it appears that Inspector Wickremasinghe had reasons to believe that there were valid reasons to detain Shanthalal further, and hence he has obtained a detention order from ASP Douglas Peiris. This detention order had been valid for a period of three months. It had been suspected by the investigators that, Shanthalal had been concerned in the planting of the bomb inside the Sapugaskanda Police Station. Hence, he had been interrogated at length, and a statement had been recorded. Once again on 01.08.1989 another statement had been recorded by ASP Douglas Peiris. Both these statements had been confessional in nature. (It is the normal practice to record such confession by an ASP, to enable such confession to be led in evidence at a future trial under the provisions of the Emergency Regulations or the Prevention of Terrorism Act.) This statement was produced before the Commission marked X 112. In the said confession, Shanthalal has admitted to his complicity in the attack on the Sapugaskanda Police Station. According to his statement, he had known a Police Constable named Wijethileka. Wijethileka had been interdicted prior to the attack in relation to another incident. Through wijethileka, Shanthalal had got to know Kaluwa. On the evening of the day of the attack, he had met both of them at a place close to the Police Station. Kaluwa and Wijethileka had given him a parcel, and had asked him to take it into the Police Station and keep it in the toilet situated in the upper floor of the Station. His statement does not indicate that he knew of the contents of the parcel or what the entire plan

was. However, from the surrounding circumstances, it is manifestly clear that Shanthalal was an intentional participant. After obtaining the parcel, he had taken it into the Station, an hidden it inside the relevant toilet. That night the Station had been attacked, and there had been an explosion inside the toilet. On the following morning, he had seen the dead body of Kaluwa. After the incident too, he had met Wijethileka once. In the said confession, Shanthalal has specifically denied having had any connection with the JVP. Nor has he said that either Kaluwa or Wijethileka were involved in the JVP.

Upon the recording of this useful confession, Shanthalal had been kept in detention at the Sapugaskanda Police Station till the 28th of November 1989. During this period, he had not been produced before a Magistrate, nor had any attempt been made to institute criminal proceedings against him. His mother U. Wimalawathie, father M. H. Premaratne had visited Shanthalal whilst he was in detention. They had met ASP Douglas Peiris in relation to the detention of Shanthalal. According to the official version, as late as the 28th of November 1989, on the instructions of Inspector Wickremasinghe, Sergeant Ratnayake of the CSU has recorded a statement of Shanthalal on the whereabouts of Wijethileka. (One would have expected the investigators to question Shanthalal on this matter in the first occasion itself.) In the said statement, Shanthalal is alleged to have said, that on that day Wijethileka would be going to his room at Raggahawatte, Heiyyanthuduwa in Biyagama. One wonders how Shanthalal who was continuously in Police custody from the 15th of August, knew that Wijethileka was due to go to his room on that day. Thereafter, a team of Police Officers headed by Sergeant Ratnayake is alleged to have taken Shanthalal to the room of Wijethileka. They claim that they went there on the guidance given by Shanthalal. When they went, the room had been locked, Shanthalal had informed the Officers that, if they were to lay in ambush, they could apprehend Wijethileka. Around 10.00 p.m. two persons had arrived at the place in a motor cycle. Shanthalal had pointed at the pillion rider and indicated that he was Wijethileka. One wonders why Shanthalal had to show Wijethileka. Wijethileka was a Police Officer in Sapugaskanda. Didn't the other Officer who went on this mission know Wijethileka ? The Officer who were laying in ambush had gone towards the motor cycle, in order to arrest the suspects. Suddenly, the suspects had fled in the motor cycle. According to Ratnayake, and Officer in the group had fired twice at the direction in which the motor cycle went. However, they had not been able to apprehend them. They had also suddenly noticed that, Shanthalal who was also in their custody was missing.

Ratnayake admitted that when they went on this mission, Shanthalal had not been hand-cuffed. They had not taken a torch, although it was dark by that time. He could not explain as to how Shanthalal had escaped, notwithstanding the fact that, he was heavily guarded. He also could not explain why steps were not taken to re-apprehend Shanthalal, after the so-called escape. From this point onwards, no body had heard of or seen Shanthalal. Ratnayake admitted that they did not cause a publication of a notice in the News - papers, informing the general public that a suspect of this nature had escaped and requesting information be provided of his whereabouts. Further, normal legal steps which are taken when suspects escape had not been taken. There had been no official inquiry in relation to this incident. Ratnayake had not been reprimanded for his conduct. No disciplinary action had been taken against him.

None of the witnesses could explain why they didn't go in search of Wijethileka until the 28th of November, notwithstanding the fact that Shanthalal had spoken of Wijethileka's involvement by the 1st of September. After the aforementioned incident, the investigators appears to have lost interest in apprehending Wijethilake too. No efforts had been made by them to apprehend him. However, on the 22nd of October 1990, Wijethileka has been reinstated on a direction of DIG Nalin Delgoda. He is still in service, and on 17th of February 1996, investigators attached to this commission questioned him, and recorded his statement. Till then, no investigator had questioned him with regard to his alleged involvement in the attack on the Sapugaskanda Police Station. In the statement made to the Commission, as expected he denied his involvement in the incident.

Due to the aforementioned circumstances, this Commission totally rejects the evidence of Ratnayake and other Police witnesses regarding the alleged escape of Shantalala from Police custody. However, we conclude that, suspect Shanthlal had permanently disappeared from police custody at some point on or after the 28th of November 1989. It is also clear that, had action been instituted against Shanthlal either while he was in detention or after his disappearance, it would have become manifestly clear as to who had been involved in the attack on the Sapugaskanda police Station and other vital details regarding the attack such as the motive, nature of the preparation, and others involved in the attack etc.

If Shanthlal did not escape from police custody, what may have happened to him? Was he extra-judicially killed? If not, what else could have happened to him? If he was so killed, what might have been the motive for such killing? After the vital disclosures made by Shanthlal with regard to the attack, were the investigators totally satisfied about the involvement of persons in the attack, and the reason for it? who may have wanted to permanently silence Shanthlal? Could it have been the Police themselves, or any other person in authority who had the power to control the activities of the Kelaniya CSU and other officers in the Sapugaskanda Police Station? Some of these questions may never be answered.

CHAPTER VII

The Disappearance of Sub - Inspector Rohitha Priyadarshana*Background*

Rohitha Priyadarshana who had his education at Nalanda Vidyalaya, Colombo, joined the Police Department in 1986 as a Probationary Sub-Inspector of Police. Ajith Jayasinghe too was an old boy of Nalanda Vidyalaya, and joined the Police Force along with Rohitha Priyadarshana. Ajith Jayasinghe's association with Rohitha Priyadarshana dates back to the period when both of them played cricket for Nalanda.

After initial training, at the police training school, Kalutara, both of them had been absorbed into the Special Task Force, and given further training. In mid 1986, Rohitha had been attached to the STF camp in Thirukkivil. Along with the arrival of the Indian Peace Keeping Force in Sri Lanka, it appears that the STF Officers who were in the Thirukkivil Camp had been transferred out. Along with it, in November 1987 Rohitha Priyadarshana had been transferred to the Wellawatta Police Station, The main reason for the transfer appears to have been to facilitate him to play cricket for the police cricket Team. He had continued to be in Colombo till the end of 1988. On the 2nd of January 1989, he had been transferred to the Kelaniya Police Division, and attached to the Headquarters Police Station of Peliyagoda. In June 1989, Rohitha Priyadarshana had been transferred to the Sapugaskanda Police Station. He had been attached to the Criminal Branch of the station. Within a mere one month of his transfer to the Sapugaskanda Police Station, the earlier mentioned attack on the Police Station had taken place.

During this period, Bandula Dinapurna, a Journalist attached to the Upali Group of News Papers, had been concentrating and collecting news relating to Crimes and Law Enforcement. His findings had been reported in the Divaina and Island Newspapers. One method of collecting the necessary information had been by associating and interviewing police officers. Rohitha Priyadarshana was one such police officer. According to Dinapurna, Rohitha was a young and energetic Officer. He was brave, and was not frightened in his investigational pursuits. He had been successful in uncovering a host of robberies and other serious crimes that took place in the Kelaniya Division. According to numerous witnesses, certain criminal had been in the habit of carrying out robberies and other violent crimes posing off as subversives. Rohitha Priyadarshana had been one Officer who was sensitive to this modus-operandi, and had not been prepared to over-look such activities. He had treated both subversives and common criminals alike. From the available material, it is justifiable to infer that, the greater family of Gonawala Sunil too would have been under Priyadarshana's watchful eyes, due to their various notorious criminal activities. He did not pay heed to Political patronage some of the common criminals of the area possessed. His performances in successful apprehending common criminals and solving crimes had been hailed by Senior Police Officers of the area such as the Divisional Officer-in

Charge, SSP Nalin Delgoda. Documents were produced before the Commission which indicate some of the successful investigational efforts of Rohitha Priyadarshana. It is in this backdrop that one has to consider the disappearance of Rohitha Priyadarshana, and the allegations certain Senior Police Officers made against him.

According to Imithiyage Chandralatha Perera, on the 8th of February 1990, her husband Tudor Perera (a brother of Gonawala Sunil) had been taken away by a group of persons clad in camouflage uniforms. At that time she had not been able to identify any of those who came and took away her husband on the last week of February the photograph of Rohitha Priyadarshana had been published in several News Papers in relation to his disappearance from the Sapugaskanda Police Station on the 20th of February. On this occasion, Chandralatha had identified Rohitha Priyadarshana as one person who came to take away her husband. On the 9th of February, Chandralatha had gone with her brother and met Mr. Ranil Wickremasinghe, in relation to the taking away of Tudor, she had complained to him, and solicited his assistance to obtain the safe release of Tudor. It appears from her conduct that, even though the persons who came and took away Tudor did not identify themselves, she had reasons to believe that they were Police Officers. Mr. Wickremasinghe had advised Chandralatha to proceed to the Kelaniya Police Station and lodge a complaint, and that she had no reason to fear. Chandralatha proceeded to the Kelaniya Police Station and complained of her husband's taking away. On the 13th of February, ASP Douglas Peiris had sent a message to her, informing her to come and meet him at the Biyagama Police Station. She did so. On instructions given by ASP Peiris, a female Police Officer recorded a statement of Chandralatha. As Chandralatha claims, if Rohitha Priyadarshana was in fact involved in the abduction of Tudor, it is highly likely that ASP Peiris would have been aware of the said incident, at least soon after Tudor was taken away. However, Official records maintained at the Sapugaskanda Police Station does not indicate that, Tudor was arrested by the Police. Soon after this incident, Rohitha Priyadarshana had told Ajith Jayasinghe, that he along with other Police Officers had arrested Tudor in relation to his complicity in criminal activities. It is to be noted that, apart from this item of evidence, this Commission could not ascertain as to what happened to Tudor after his arrest by Rohitha Priyadarshana and his Police Team. As in the case of most other disappearances which took place during this era, we have no other option than to conclude that Tudor was killed in Police custody. This would have undoubtedly annoyed all those who were close to the Gonawala "Perera" family, and those who patronized them. This appears to have been a unique occasion where a person who had access to the powers that be was killed by the Police. The disappearance of Rohitha Priyadarshana has to be viewed from this background. As a result of the earlier mentioned incident, did certain parties conspire to "get rid of" Rohitha Priyadarshana? In the event of Rohitha Priyadarshana having done what he did to Tudor without the knowledge and the approval of the Police hierarchy, did his conduct annoy them? Or, were they embarrassed by his conduct? Or did the powers that be, indicate that Rohitha Priyadarshana ought to be 'punished' for what he did?

The disappearance.....

By February 1990, Inspector Keerthi Athapattu was the Officer – in Charge of the Sapugaskanda Police Station. Rohitha Priyadarshana was the Officer-in Charge of the Criminal Branch of the Station.

Suvithanagoda manannalage Dinesh, the elder brother of Priyadarshana, had been in the general habit of telephoning Priyadarshana occasionally, to find-out how Priyadarshana was getting --on. This was mainly due to the reason that, whilst Priyadarshana's family were living in a house in the Raddholuwa Housing Scheme, he was living in the Officers quarters of the Sapugaskanda Police Station, which was situated on the upper floor of the Station building. The evening of the 2nd of February was no exception. Dinesh rang-up his younger brother at about 5.30 p.m. Priyadarshana had spoken to Dinesh with regard to normal matters, and had also requested Dinesh to Collect some clothes Priyadarshana had given to a tailor at Raddholuwa to be stitched. Priyadarshana had wanted Dinesh to collect them, and deliver them at the Police Station on the following day.

Around 6.00 p.m. Priyadarshana had assumed duties at the Station as it's Station Duty Officer (S.D.O.) Such Officers are normally appointed to act for the Officer-in-Charge of the Station during the absence of the regular Officer-in-Charge It is the practice to appoint such an Officer on all nights. The appointment is made by the Officer-in Charge of the Station. In the instant event too, it had been the Officer --in Charge of the Station, Inspector Keerthi Athapattu who had appointed Priyadarshana as the S.D.O.

By late evening Keerthi Athapattu had left the Station along with a Police Constable Driver, to attend a conference at the 'Biyagama Village Hotel' situated in Biyagama. In Police parlance, official discussions officers have with other senior officers are referred to as 'conferences'. The owner of this restaurant was one Gamini Jayarantne. It is in evidence that this place was being used for various purposes, both legitimate and not so legitimate. In fact, one witness mentioned that, this 'place' was used by couples for various activities. One cannot think of any valid reason as to why Senior Police Officers of the Division thought it appropriate to hold their discussions at a place of this nature.

At the main counter of the Sapugaskanda Police Station was Police sergeant 11343 Siriwardena. His appointment is referred to as the reserve duty officer. The functions of the 'reserve duty officer' includes, the official acceptance of suspects and productions being brought to the station, receiving telephone calls (in the event of a telephone operator not being present), receiving complaints etc. on the day in issue, Siriwardena was on duty from 2.00 p. m. to 10.00 p. m.. Siriwardena was not a new officer to the Station. By February, 1990, he had been attached to the Sapugaskanda Station for nearly one year, and hence he claimed that all the officers were known to him, and that he could recognize the voice of any officer over the telephone.

By about 7.30 p. m., Priyadarshana had been in the criminal branch of the station. He had been in discussion with Journalist Bandula Dinapurana and two others named Naji and Gamini. Bandula Dinapura had gone to meet Priyadarshana to obtain news, regarding criminal activities and the progress into investigations regarding such activities in the area. Both Naji and Gamini had gone to meet Priyadarshana in order to obtain assistance regarding two of their personal matters.

Around 8.00 p.m., the telephone on the table of the Officer-in-charge of the Station had started to ring. Hence, Siriwardena had proceeded up to that telephone and answered that phone. According to Siriwardena the caller had been the Officer-in-

charge, Inspector Atapathtu himself. He had recognized the voice of the caller without any difficulty. Further, the caller had identified himself as the OIC. He had requested Siriwardena to call Priyadarshana. Hence, Siriwardena has proceeded to where Priyadarshana was in conversation with the earlier mentioned three, and had informed him that the OIC was on the phone, and that he wanted to speak to Priyadarshana. Accordingly, Priyadarshana had proceeded upto where the telephone was, and had answered the call. Siriwardena does not claim that he heard the ensuing discussion between the OIC and Priyadarshana. However, after replacing the receiver, Priyadarshana had once again gone upto where his visitors were, and had informed Bandula Dinapurna and the other two, that the call was from the OIC, and that he (the OIC) wanted him to come to the Biyagama Village Hotel, and that the OIC had said that he was going to send a vehicle for Priyadarshana to come to the restuarent. From this, it is clear that when the OIC telephones Priyadarshana, he was speaking from the Biyagama Village Hotel, since what he had told Priyadarshana was for him (Priyadarshana) to come to the Biyagama Village Hotel, and not 'go' to the said Hotel. Further, the identity of the 'OIC' is also quite clear, since apart from Priyadarshana himself (who was the OIC of the Crime Branch) there was no other OIC other than Keerthi Athapattu.

Priyadarshana then proceeded to the upper floor of the station building and went to the room in which police sergent 8577 Nandasena was resting and told him that the OIC had called and wanted him (Priyadarshana) to come to the Biyagama Village Hotel for a 'discussion'. Priyadarshana had also intimated to Nandasena that the OIC had wanted Priyadarshana to hand over the 'SDO' duty to him (Nandasena) when he left the station. Accordingly, Nandasena had assumed duties as the SDO.

Within about 10 minutes, Rohitha Priyadarshana who was originally dressed in his uniform, had returned clad in a shirt and a trouser to the area in which the 'reserve officer' was on duty, and had placed an entry in the relevant official record (Routine Information Book). It is in evidence that Priyadarshana did have in his custody his official service revolver. He had then proceeded to where Bandula Dinapurna and the other visitors were, and had bid them good bye. Dinapurna had followed Priyadarshana to the main entrance to the station. While going out, Priyadarshana had invited Dinapurna also to come along with him to go to the Biyagama Village Hotel. This is also indicative of the fact that the aforementioned entry made by Priyadarshana was made in the normal course of events to justify and account for his departure from the Station. Police witnesses stated that in police parlance, such entries are referred to as 'bata outs'. This type of entry is made to claim subsistence, and also to give an official account to the outing. Bandula Dinapurna had refused to with Priyadarshana. However Dinapurana had seen a white coloured car parked outside the Station. One person had been standing outside the car. This person had not been known to Dinapurna earlier. Priyadarshana had proceeded upto the car, and had got into the front seat of the vehicle. Thereafter, the car had proceeded in the direction of the Biyagama Village Hotel, driven by the earlier mentioned person. By the time the car left, the time had been around 8.30 p. m. This was last occasion anybody claimed before the Commission that he or she saw Priyadarshana alive. Not even the family members of the Priyadarshana family had heard of Priyadarshana's existence, from this point onwards.

Keerthi Athapattu returned to the Station around 11.00 p. m. Having returned to the Station, he has made an entry that he was going off duty to rest. However, even at that point of time, he had not made any inquiries as to why Priyadarshana was not in the Station, nor had he inquired why another Station duty officer was on duty in place of Priyadarshana. As Athapattu claims, if he had not given the telephone call in issue to Priyadarshana and got him to come to the Biyagama Village Hotel, he ought to have been surprised as to why Priyadarshana was not in the Station acting as the SDO.

The next morning (21st February), officers in the Station began to wonder what had happened to Priyadarshana. Siriwardena informed Athapattu that, Priyadarshana went out pursuant to the telephone call given by Athapattu. On this occasion, when for the first time someone alleged to Athapattu that Athapattu did not want to take any official action to having given the telephone call if he did not make such an entry, he had given a call to Priyadarshana and got him to down to the Biyagama Village Hotel, he (Athapattu) did not make an official entry to such effect. It appears from the entirety of the evidence that, he would have had to incorporate in the entry that Siriwardena claims that he (Athapattu) gave such a call the previous night. If he did not make such an entry, it would have enhanced the credibility of the version of Siriwardena. Even in his evidence, apart from denying having given such a telephone call, Athapattu could not give a specific reason as to why Siriwardena ought to have given false evidence against him. In contrast, Siriwardena claimed that, since he had openly come out with the relevant incident at the outset, Athapattu harassed him. However, that day itself, Athapattu has directed Sub-Inspector Jamaldeen of the same station to cause an investigation into the disappearance of Priyadarshana. In this regard, a preliminary issue arises. By this time, Siriwardena had alleged that Priyadarshana had left the station upon receiving a telephone call from Athapattu. Athapattu denies having given such a call. Under these circumstances, Athapattu becomes a person concerned in the disappearance of Priyadarshana. However, Athapattu did not bring the matter to the attention of a senior officer immediately. He deemed it appropriate to appoint an immediate subordinate officer, namely Jamaldeen to conduct the investigation, under his (Athapattu) Supervision. The manner in which Jamaldeen has conducted the relevant investigation is most disturbing. As expected under such circumstances, Jamaldeen has not recorded the statement of Athapattu. He has not visited the Biyagama Village Hotel and inquired whether Athapattu came there the previous night for a conference, and also whether Priyadarshana came there subsequently. Priyadarshana's parents had not been contacted to ascertain whether he (Priyadarshana) came home. No attempt had been made to ascertain whether Priyadarshana had been Killed, and whether his body had been dispatched to the police mortuary wherein unclaimed and unidentified bodies are kept. No attempt had been made to verify whether Priyadarshana had conducted any investigations out of the Police Station that night. One gets the clear impression that, Jamaldeen did not conduct elementary investigations into the disappearance of Priyadarshana, since he too was aware of what happened to Priyadarshana.

Meanwhile, without any knowledge that his brother was missing, around 3.30 am on the 21st itself, Dinesh gave a Telephone call to the Station, with the view of speaking to Priyadarshana, regarding the clothes that had been given for tailoring. Athapattu had answered the call. Apart from informing Dinesh that Priyadarshana

was not in the Station at that point of time, as he (Atapathu) had sent him out for an official duty, Atapathu had not told Dinesh that Priyadarshana had not returned to the Station having left the previous night. Atapathu had not even inquired whether Priyadarshana had come home. No information regarding Priyadarshana's disappearance had been given to Dinesh. Atapathu had advised Dinesh to come to the Station around noon. Hence, Dinesh had not got worried. Accordingly, Dinesh had gone to the Station around noon. On that occasion, Atapathu had suddenly asked as to whether Priyadarshana came home. Dinesh's response had been in the negative. He (Dinesh) immediately asked Atapathu why he was making such an inquiry, when he himself a few hours ago had informed him (Dinesh) over the telephone that he (Atapathu) sent him on an official duty. According to Dinesh, Atapathu had no answer to give. However, by this time Dinesh had suspected that something was wrong this had been partly due to the reason that, at the Station Dinesh had met Naji.

Naji had told Dinesh that, the previous night Priyadarshana had left the Station pursuant to a telephone call he (Priyadarshana) had received from the OIC (Atapathu) Dinesh had immediately gone back and met Atapathu. Atapathu had told Dinesh that, the Information he had gathered was incorrect, and had said that (Priyadarshana) would return in a short while

On the following morning both Dinesh and his father had gone to the Sapugaskanda Police Station at the station they had met Jamaldeen. He (Jamaldeen) had told them that (Priyadarshana) had gone to a close by place, and that there was nothing to be frightened about, and that he would return soon. When they met Atapathu, he too had reiterated this position.

That same day, Dinesh had met SSP Nalin Delgoda, and informed him of this incident. Delgoda had told him that, he was aware of the relevant incident, and had assured that he would detail a team to look into matter, In fact, Delgoda had proceeded to give a 'character certificate', by saying that he is a honest officer, he was one who adhered to the letters of the law., Thereafter both Dinesh and his father S. M. Amarasena had got the impression that Delgoda was not really interested in ascertaining what had happened to (Priyadarshana), By this time, Priyadarshana's close friends who were also serving in close by Police Stations, were searching for him. Amongst them were Ajith Jayasinghe and Subasinghe (attached to the Peliyagoda Police Station), and Wedisinghe (attached to the Kiribathgoda Police Post).

On the evening of the 23rd of February, on information received by Dinesh, he had proceeded to the Peliyagoda Police Station. By the time he arrived at the Station, it had been quite late in the evening. The Kelani river flows immediately behind this Station. At the Station, Dinesh had met Subasinghe and Wedisinghe. Wedisinghe and others had taken Dinesh upto the river bank, and told him that a body resembling that of Priyadarshana had come down the river, and had wanted Dinesh to see whether it was that of Priyadarshana. By the time Dinesh went up to the river, the body had been still floating in the middle of the river. The Police Officers had then dragged the body near the river bank. Dinesh had observed that the body was damaged. Part of the face of the body was missing. Parts of the limbs had also been damaged. He had not been able to identify the face. It had been swollen. However, an unique feature Priyadarshana

had in his body was visible. That is, by birth, Priyadarshana had four nipples on his chest. They were situated on both sides of the chest, with two on each side. Out of these four nipples, Dinesh had noticed that the body had two nipples on the one side and one on the other. On the side where only one nipple was visible, the area of the chest (where the fourth nipple had been originally situated) skin was damaged. To add to this positive identification, Dinesh had noticed that the body was clad in a trouser, and that had been one that both Dinesh and Priyadarshana were jointly using. Since both of them had been similar in physical appearance and size, sharing clothes was a common feature. Due to these reasons, eventhough, Dinesh and the other officers who were at the scene could not identify the body from the facial appearances, they had been satisfied that the body was in fact that of Priyadarshana. The fact that Priyadarshana had four nipples was confirmed when his (Priyadarshana's) friends who were with him in the Police Training School gave evidence. The fact that Priyadarshana had four nipples had been a widely know fact. Dinesh had been advised by the Officers to return on the following day, in order to proceed with the relevant matter. One would expect an inquest to have been held under normal circumstances.

Since the body was identified, officers at the scene had tied the body to a nearby tree with the aid of a rope (whilst the body was still in the river). This conduct on the part of the Police is definitely unusual. However, this unusual conduct appears to have stemmed from the desire of the Police hierarchy not to conduct a proper investigation into the entire matter.

Dinesh returned the following morning to the station along with his father. At the Station they had met Priyadarshana's friends who were genuinely interested in ascertaining what had happened to Priyadarshana, and had proceeded up to the river bank. To their astonishment, they had noticed that the body was no longer there. The rope which had been used to tie the body to a tree on the river bank, had been cut. Officers who were on duty at the Peliyagoda Police Station during the night, were not able to assist them by explaining what had happened to the body. It was in evidence that, the Peliyagoda Police Station is a well guarded one. In fact the rear of the station compound had been well lit. What had happened to the body of Priyadarshana ? Is it reasonable to infer that an outsider acting without the concurrence of those at the Peliyagoda Police Station could have removed Priyadarshana's body, or had cut the rope enabling the body to float down the river towards the sea ?

By this time, in the minds of the family of Priyadarshana, it was clear that the Police authorities in the area were not acting in the best interests of the investigation into the disappearance of Priyadarshana. Hence, on 24.02.1990 at 7.00 p. m. Priyadarshana's father proceed to the Police Headquarters and lodged a complaint regarding the disappearance of Priyadarshana

At or about this time, Wedisinghe and Subasinghe met OIC Atapaththu and inquired about what had happened to Priyadarashana. They had indicated their displeasure regarding the manner in which the matter was being handled. In fact they had said that "even if a good is lost, better inquiries are made, and why don't you inquire into the disappearance ?". In a threatening manner Atapaththu had retaliated "I don't know about what had happened, he will come from where ever he had gone."

Within two hours of having left the Sapugaskanda Station, both of them have received official messages from SSP Delgoda, directing them to appear before him (Delgoda) on the following morning, since he had to produce them before DIG Merrill Guneratne. The following morning both went and met Delgoda. Delgoda inquired as to why both of them had gone to the Sapugaskanda Police Station on the previous day and threatened to damage (flatten) the station. Both had denied having done so. However, Delgoda had produced them before Merrill Guneratne. The DIG had warned Wedisinghe that 'not to fall into trouble by going in search of lost people'. He (Gunaratne) had warned Subasinghe that, if he were to continue to search for Priyadarshana he (Gunaratne) would transfer him (Subasinghe) to Jaffana. Whilst not of them were returning from the Office of DIG Gunaratne, they had met Atapatthu. Quite naturally, they had inquired from Atapatthu as to why he had told the superior officers an untruth to the effect that they had told him (Atapatthu) that they were going to flatten the Station. In fact, they had requested Atapatthu to come with them to go and meet DIG Gunaratne for a confrontation. However, Atapatthu had denied having informed the superiors the relevant incident. He had also refused to go with Wedisinghe and Subasinghe to DIG Gunaratne's Office.

Soon afterwards, at the Peliyagoda Station, Wedisinghe had met ASP Douglas Peiris, who had threatened him (Wedisinghe) not to dance about in relation to Priyadarshana's disappearance, and that if he were to continue in that manner, the same fate that befell Priyadarshana would befall him too. However, Wedisinghe and Subasinghe had continued to search for Priyadarshana. Meanwhile, Ajith Jayasinghe had also been searching for Priyadarshana. Ajith Jayasinghe had obtained leave and had been full time going in search of Priyadarshana, during this time Wedisinghe had received information that ASP Douglas Pieris was angry that Ajith Jayasinghe was taking a genuine interest in searching for and hence mobilized two teams to follow Jayasinghe. Wedisinghe was frightened that Jayasinghe may be abducted and harm done. Hence, he had advised Jayasinghe.

However, Jayasinghe had said that he was not frightened since he was carrying a pistol and a grenade, and had said that he was going to continue to search for Jayasinghe. What in fact happened to Jayasinghe as a result of his conduct, will be dealt with in the next chapter.

It is to be noted that, during the initial phase of the period following the disappearance of Priyadarshana, nobody had leveled any allegation against Priyadarshana, in relation to his having been involved in any illegal activity or other disreputable conduct. In fact, at that time, the consensus of opinion had been that Priyadarshana was an exceptional officer, whose integrity and efficiency was beyond question.

Due to the length of time (7 years) which has elapsed since the disappearance of Priyadarshana, and the finding of his body (though the identity of the relevant body has not been established to a legal certainty), this Commission has arrived at the finding that Priyadarshana was killed either at the Biyagama Village Hotel, or at a place to which he was taken to from this Hotel. We were compelled to arrive at this finding, specially since, Inspector Athapattu denied having given the aforementioned telephone call to the Station on the night of the 20th and invited Priyadarshana to come to the Hotel. However, he admitted that, he went to the hotel that evening for a

discussion. the investigational efforts of the investigators attached to the Commission to ascertain what happened to Priyadarshana from the point he left the station, did not bear any positive results. All persons who could have provided some vital clues in this regard, either denied any knowledge, or remained mum. What happened to Priyadarshana, would be only known to those who were concerned in his disappearance, and would have to live the rest of their lives with a pricking conscience (if they have one).

CHAPTER VIII

The Arrest & Detention of Sub-Inspector Ajith Jayasinghe**Background****Going in Search of Priyadarshana**

It is clear that, close friends of Priyadarashana who were working in the Kelaniya Division, were not satisfied of the nature of the developments which took place after his disappearance. They were worried as to why the Police hierarchy was not taking a keen interest on the matter. Not even a Special Investigating Unit had been informed for the relevant investigation. They were certainly not satisfied about the cursory investigations done by Jamaldeen under the supervision of Athapattu (who was also a person in respect of whom there was an allegation). Hence, Priyadarshana's friends in the Police had commenced to unofficially conduct investigations to ascertain what had happened to him. Ajith Jayasinghe was no exception.

There appears to have been frustration creeping into the minds of Ajith Jayasinghe and others, who could not even after a few days find out what had happened to Priyadarshana. Some where around the 23rd of February, Ajith Jayasinghe had talked aloud in the 'charge room' of the Peliyagoda Police Station on the disappearance of Priyadarshana. He had said that, 'who ever killed Priyadarshana, such person would be traced and killed. It is clear by this statement that, by the 23rd, Jayasinghe had in his own mind doubted that Priyadarshana was not amongst the living. This may have been due to the reason that, by this time Priyadarshana's brother Dinesh had reported to him, the event regarding the discovery of the body. By the apparent inaction on the part of the Police top brass, Priyadarshana and his friends appear to have suspected Police involvement in the incident. This proposition would have been supported by their knowledge that, was pursuant to a telephone call given by Attapattu, that Priyadarshana left the Police Station on the night of the 20th. In fact soon after the incident, when Jayasinghe inquired from Athapattu as to why he was not searching for Priyadarshana, the latter had been excited, and had avoided answering the issue. This background situation explains as to why Jayasinghe chose to talk aloud regarding the issue at the Police Station. He may have wanted the message to be conveyed by those who were around, to the relevant parties. This appears to have been done.

Around this date, ASP Douglas Peiris had met Jayasinghe, and quite cynically inquired from Jayasinghe, whether he was not going in search of Priyadarshana. He had added that in a day or two, he (Jayasinghe) would get 'some information'. What did ASP Peiris have in mind when he said so? Peiris had also proceeded to inquire as to who the 'close friend' of Priyadarshana was. Jayasinghe had replied that it was him, and that hence he was taking all steps to look for Priyadarshana.

Within a day or two of this incident, Sub Inspector Delgahagoda (also of the Kelaniya Division) met Jayasinghe, and informed him that, ASP Peiris told him that, Priyadarshana had been caught by a man who lives in Dehiwala, when Priyadarshana

was making love to that man's wife. This man had dismembered Priyadarshana's sexual organs, and was being detained at some unknown place. ASP Peiris had told Delgahagoda that, if the best friend of Priyadarshana were to come to meet him at Batalanda, he would disclose some vital information regarding this matter. Why did ASP Peiris want the 'best friend of Priyadarshana' to come to Batalanda? Jayasinghe discussed this with his friends. Jayasinghe's friends had advised him not to go to Batalanda. However, Jayasinghe had said that he was not frightened, and that he was prepared to go to Batalanda in this regard. However, events which took place soon afterwards, prevented Jayasinghe from going to Batalanda.

During this period, Jayasinghe was staying at the single officers quarters, situated at the Peliyagoda Police Station. It is clear from the available evidence that, from the 22nd of February, Jayasinghe had been spending the major portion of the day, on searching for Priyadarshana. At certain times, he had not been available at the Peliyagoda station. However, by night he used to arrive at the quarters. Thus, it is clear that, Jayasinghe made no attempt to hide himself, after the disappearance of Priyadarshana. The significance of this statement, would become apparent when we analyze the version of the authorities, regarding the arrest and detention of Jayasinghe. Since Jayasinghe was available at night at the Peliyagoda Police Station Officers quarters, it was not necessary for any body who was interested in meeting him, to go in search of him.

Jayasinghe apprehended

On the evening of the 25th, Jayasinghe requested Inspector of Police Marasinghe (the then OIC, Peliyagoda) to give him written authorisation to seek medical attention from the Police Hospital on the next day. Accordingly, Marasinghe gave Jayasinghe the required authorization. The following morning, Jayasinghe left for the Police Hospital situated at that time at Borella, with a friend of his named Sarath Bandara. They proceeded to Borella on Sarath Bandara's motor cycle. It was ridden by Bandara. They proceeded along the Baseline Road, and came upto the Dematagoda railway crossing. Near the crossing, Jayasinghe observed that, ASP Peiris was coming on the opposite direction, in his blue lancer motor car, which was being driven by Police constable driver Ranjith. ASP Peiris had been clad in his uniform. ASP Peiris had on seeing Jayasinghe, signaled the latter to stop. Accordingly, Jayasinghe had got Bandara to halt the motor cycle, and Jayasinghe got off the cycle. ASP Peiris had also got down from the motor car, and both had approached each other. Jayasinghe stood to attention and greeted ASP Peiris. ASP Peiris took out his weapon (a pistol) and leveled it at Jayasinghe's neck. With Peiris's other hand, he had pulled Jayasinghe's shirt collar. Jayasinghe became frightened, and feared that something dangerous would happen to him. He had realized that, it may be connected to what happened to Priyadarshana, and his (Jayasinghe's) attempts to ascertain what happened to Priyadarshana.

Jayasinghe stepped back a few steps, and took hold of a electricity post near-by. At this point, Jayasinghe observed the Peliyagoda CSU van (which has been described in chapter V) parked behind ASP Peiris's car. Several officers attached to the Peliyagoda CSU were also near-by. They were, PS Jayaratne, PS. Lakshman, PS. Ranatunge, PS.

Ratnayake, and a civilian named Raasendra. According to the evidence of Jayasinghe, Raasendra who hailed from Urugasmanhandiya in the deep South had been an associate of ASP Peiris, who was used by Peiris in his operations against the subversives. ASP Peiris instructed the CSU officers present to forcibly take Jayasinghe and put him into the van. Jayasinghe resisted for some time by holding on to the electricity post with both hands. The CSU officers took out forcibly the official weapon which Jayasinghe had hidden in his waist. Thereafter, the CSU officers managed to overpower Jayasinghe, and forcibly took him away and put him into the van. Jayasinghe's friend Bandara was also put into the van.

Jayasinghe in the meantime took out a hand grenade which was in the motor cycle jacket he was wearing, and took off the safety pin with the aid of his teeth. As Jayasinghe took off the pin, the officers who were inside the van, jumped out. ASP Peiris came upto him, and ordered him to hand over the grenade. Jayasinghe, fearing something dangerous would happen to him, told ASP Peiris to take him to the Peliyagoda Police Station, and that he would give up the grenade then. He added that, he had not done anything wrong for him to be treated in this way.

ASP Peiris tried to persuade Jayasinghe to give-up. At one point of time, he attempted to shake hands with Jayasinghe. Jayasinghe then got off the van. ASP Peiris withdrew. At this stage, Jayasinghe noticed that an army vehicle had arrived at the scene. There were 7 to 8 Army officers near-by. Jayasinghe rushed upto them, and showed them his Police Identity card, and explained to them what had happened. He said that he wasn't a JVPer or common thief. He pleaded with them to hand him over to the SSP of the Kelaniya Division. It is clear that, Jayasinghe was frightened to proceed in the custody of ASP Peiris. ASP Peiris too spoke with the Army Officers. At this stage, the Army officers circled around Jayasinghe, preventing the Police officers from taking custody of Jayasinghe, and took him upto the Army vehicle, and took him into it. Jayasinghe handed over the hand grenade which was in his hand to one Army officer, and the said officer took it to a lonely spot near-by and allowed it to explode (since by that time Jayasinghe had removed the pin of the grenade). Jayasinghe had another hand grenade in his custody. He gave that too to the Army officers. ASP Peiris didn't stop his attempts to take away Jayasinghe. Armed with his pistol, ASP Peiris got into the Army truck, and demanded that the Army hands over Jayasinghe to him. However, the Army officers refused, and stated that, they would hand over Jayasinghe to the SSP Kelaniya, as promised earlier, ASP Peiris was not satisfied with the assurance. Having got into the truck, he took a pair of hand cuffs, and put one to Jayasinghe's feet, and another to a part of the body of the truck.

The Army Officers, then took Jayasinghe to the Peliyagoda Police Station. At the Station, he was taken to the Counter Subversive Unit (CSU). At the Unit, ASP Peiris or anybody else did not record a statement of any of the Army Officers who produced Jayasinghe at the station. Nor did they make any notes regarding the identity of those Army Officers who produced Jayasinghe. At the CSU, Jayasinghe was ordered to sit on a chair, and he was hand cuffed on to the chair. Since Jayasinghe was not arrested at the scene, it has to be inferred that he was arrested at the time he was confined to the CSU. At no stage did any of the Police Officers give him any reason for his 'arrest' or 'detention'. ASP Peiris has not made prompt notes indicating his version of the

incident. Jayasinghe has not been questioned promptly, and his statement has not been recorded. Jayasinghe's family has not been informed of this incident, and his detention at the CSU of Peliyagoda.

In the evening, Jayasinghe had a visitor. It was the officer-in-charge of the Kelaniya Division, SSP Delgoda. He scolded Jayasinghe, and slapped Jayasinghe, with the aid of his (Delgoda's) pistol. Around 7.00 p.m., Inspector Wickremasinghe, PS Upali and two other Police Officers took Jayasinghe in a Jeep to the Biyagama Police Station. The reason for this transfer has not been noted by inspector Wickremasinghe in the relevant records. Apart from transferring Jayasinghe, he has not been taken for any investigation (such as to search his quarters, or his residence).

Detention of Jayasinghe commences.....

The following day, it was announced in the media that, the Kelaniya Division had been successful in arresting the military wing leader of the JVP for the Kelaniya area. This was a reference to the alleged arrest of one 'Jine' by the Peliyagoda CSU. (Events relating to this matter, which has a significance relating to the disappearance of Priyadarshana and the arrest and detention of Jayasinghe, will be dealt with later).

On the morning following the date of the 'arrest' of Jayasinghe, he was taken from the cell of the Biyagama Police Station, to the Office of the OIC of the Station. In that office were ASP Peiris, ASP Raja Dias, IP Wickremasinghe and WPC Sepalika. ASP Peiris was armed with a pistol. There had been several other armed Police officers immediately outside the Office. ASP Peiris told Jayasinghe that they were going to record a statement of him. On the instructions of ASP Peiris, another Police Officer went out of the room, and within a short while brought back another person. This person was a middle aged, bold headed male, who appeared to be in a weak condition. He had a bag in his hand. This person was hand-cuffed. Jayasinghe testified before the Commission that he had met this person for the first time in September 1989, as a person known to Priyadarshana. He had known him as one 'Tilak', from Divulapitiya, who had been in the business of trading in cars. He had once again met him briefly at the Ja-ela Police Station, and once again at Wellawatta. According to Jayasinghe, he had not spoken to this person in the aggregate for more than fifteen minutes. According to the evidence of the other police witness, this person whom Jayasinghe knew as 'Thilak' was one 'Jine', the alleged military wing leader of the JVP for the Kelaniya area, who at that point of time had been in the custody of the Peliyagoda CSU.

ASP Peiris instructed 'Jine' to divulge the 'story'. Jine quite reluctantly pointed at Jayasinghe and said "he gave me seventeen (17) cartridges. Jayasinghe immediately questioned 'did I give?'. Jine kept mum. ASP Peiris immediately ordered the other Police Officers to take away Jine. Hence, the other Police Officers were not able to ascertain the alleged relationship Jine had with Jayasinghe. Nor was Jayasinghe permitted to exculpate himself from any illegal relationship he is said to have had with Jine. Soon after this brief 'confrontation', ASP Peiris commenced to interrogate Jayasinghe. Acting on instructions given by Peiris, WPC Sepalika typed out a statement which was dictated by Peiris. On this occasion ASP Raja Dias was standing near-by. Jayasinghe categorically denied having had any illegal relationship with Jine, and

he specifically stated that he was not involved with the JVP. However, upon a perusal of the 'Statement' made by Jayasinghe to ASP Peiris (which according to the official record has been made to ASP Raja Dias) it became clear to the commission that, what had been recorded was totally different to what had been said by Jayasinghe. A copy of this statement was marked and produced before the Commission as 'XX'. According to the record of the Statement, the principle allegation against Jayasinghe was that he had attempted to murder ASP Peiris (at Dematagoda, at the time of his apprehension). His alleged involvement with Jine, was only incidental thereto. If it was alleged that, Jayasinghe attempted to murder ASP Peiris, he (ASP Peiris) becomes the complainant or the victim. If so, how could he take part in the relevant investigation in respect of the relevant incident? Jayasinghe testified before the commission to the effect that, when he was questioned ASP Peiris with regard to the incident (wherein he is alleged to have given ammunition to Jine), he denied having given ammunition to Jine. However, according to the record of his statement, he admitted having given the ammunition. Jayasinghe added that, he was only given the opportunity to read the first page of the relevant record. He was prevented from reading further, since ASP Peiris scolded him, and took the record from his hands. However, he had been ordered to sign the record, at the end.

Jayasinghe was detained continuously at the Biyagama Police Station from the 26th of February to the 27th of October 1990. During this period, he had not been served with any detention order. However, on the 25th of May, Jayasinghe had been produced in the Magistrates court of Hulftsdorp. On the same occasion, Jine had also been produced. According to Jayasinghe, PS Upali of the Peliyagoda CSU who produced both of them, had not permitted them to speak with each other. Both of them had not been given the opportunity of being represented in Court by Counsel. The family members of both of them had not been informed by the Police, that they were being produced in Court. From the available material, it appears that upon the production of both of them before the Magistrate, the Police have taken them back in Police Custody to the respective places of Police Detention. The 25th of May had been the last time Jayasinghe saw Jine. In fact, Jine had not been produced before a Magistrate thereafter.

On the 26th of May, whilst Jayasinghe was being detained at the Biyagama Police Station, he over-heard a Police Message being communicated on the Police Communication Set, to the effect that, Jine had escaped from Police custody. Further details regarding this alleged escape will be dealt with later.

During the period of detention, ASP Peiris had come up to Jayasinghe on one occasion, and had said that, all Nalandians were JVP'ers. It would be noted that both Priyadarshana and Jayasinghe were old boys of Nalanda Vidyalaya. ASP Peiris had added that, 'Piya (a reference to Priyadarshana) ta va 'de dunna' (Priyadarshana was given the works). Further, on another occasion, IP Wickremasinghe had come and said that, 'Rohitha Priyadarshana has gone to Japan, and has sent letters to his family. Hasn't he sent a letter to you?'

On the 27th of October 1990, PCD Ranjith of the Peliyagoda CSU came upto where Jayasinghe was being detained, and informed him that the Deputy Inspector General had wanted Jayasinghe be transferred to the Pelawatta Detention Centre.

(During this period, subversive suspects were being detained at this detention centre. It was being manned by the Army. On the same day, Jayasinghe was transferred to the Pelawatta Detention Camp. From the 27th of October, 1990 to the 7th of January 1992, Jayasinghe was detained at the Detention Centre. During this period, family members of Jayasinghe were permitted to visit him. Jayasinghe attempted to find-out through his parents what his position was. He was keen to ascertain when he would be released, whether the Police intended to institute action against him etc. He was aware of the fact that, it would be the Hon. Attorney General who would file action, in the event of the Police forwarding the required material. He got his mother to check on the matter. His mother made certain inquiries, and later informed him that, the Police had not forwarded the required material to the Hon. Attorney General, seeking advice in relation to the relevant investigation, or requesting that the AG be pleased to file action against him. This fact was confirmed upon investigations being conducted by the investigators attached to the Commission. It was clear that at no point of time had the assistance of the Attorney General's Department sought in relation investigation connected with Jayasinghe. Even, SSP Nalin Delgoda could not explain why this omission took place. This becomes a serious matter, since the investigators continued to detain Jayasinghe on the footing that, action was going to be filled against him. One way in which the apparent inaction on the part of the Police can be explained is, that they were not at all keen on launching a prosecution against Jayasinghe, since they were aware that the allegations against Jayasinghe, could not be easily substantiated in a Court of law. Jayasinghe may not have stopped at describing the circumstances relating to his alleged arrest, but he could even proceed further, by narrating what had happened to Priyadarshana. The relevant officers may have also been conscious of the fact that, Jayasinghe was aware of the activities of the Kelaniya CSU, and hence he could have 'spilled the beans', in the event of he being permitted to give evidence on his behalf, in a court of law.

Jayasinghe released

Thilanga Sumathipala, a businessman by profession, was a close friend of Jayasinghe. He was keen to secure the release of his close friend. Hence he made several attempts in that regard. Brigadier Nanda Weerasekera was the Officer-in-Charge of those subversive suspects who were being detained in Rehabilitation Centres. Sumathipala interviewed Brigadier Weerasekera several times with the intention of securing the release of Jayasinghe. From the available material, it appears that Sumathipala had given an undertaking to the relevant authorities that, Jayasinghe would be sent abroad in the event of he being released. this undertaking appears to have been given on the best interests of Jayasinghe too. That was one way in which it could be assured that, Jayasinghe's life would not be harmed after his release. On the eve of Jayasinghe's release, Jayasinghe had been required to sign a document. Sumathipala had also signed it. The nature of this document is not quite clear. Attempts made by the Investigations Unit of the Commission to trace this document did not yield positive results. However, from the available material, this document appears to have been some sort of 'Conditional release', with Sumathipala acting as the Guarantor/Surety.

On the 07 of January, 1992, Jayasinghe was finally released from detention. Soon afterwards on the 11th of January, Sumathipala accompanied Jayasinghe to England. From this day onwards, commenced Jayasinghe's de-facto 'excile'. In England,

Jayasinghe had followed a course in Printing. On the 28th of July 1992, Jayasinghe returned to Sri Lanka. Having come to Sri Lanka, Jayasinghe spent time in hiding. He stayed at various business establishments of Sumathipala, and in places provided to him by his other close friends. On the 8th of April, 1994 Jayasinghe left for Egypt. According to Jayasinghe, during his stay in Sri Lanka, he had been continuously in fear of being apprehended by ASP Peiris and his group. Jayasinghe stayed in Egypt till August 1994, till the change of Government (with the holding of the General Elections in August 1994).

Having returned to Sri Lanka, in January 1995 Jayasinghe lodged an appeal to the Inspector General of Police, praying for re-instatement. In the Appeal, Jayasinghe explained the circumstances under which his services had been terminated. Having received this Appeal and having given consideration to its contents, the IGP referred the matter of re-instatement to the Defence Ministry. In the relevant communication, the IGP stated that it was his opinion that Jayasinghe should be re-instated since his original termination of services was re-injustified. His recommendation has been based on appropriate inquiries. Both Jayasinghe's appeal and the IGP's recommendation was produced before the Commission. Due to these developments, on the 16th of August 1995, Jayasinghe was re-instated in the Police Service in the rank of a Sub-Inspector of Police. By the time Jayasinghe testified before the Commission, he was an officer attached to the Ministerial Security Division.

Jayasinghe & Priyadarshana linked with subversives

We intend to devote this part of the chapter, to narrate and analyze certain events and allegations connected with both Rohitha Priyadarshana and Ajith Jayasinghe. In brief, the position of the following witnesses (based on the overall evidence given by them), namely DIG Merrill Guneratne, DIG Nalin Delgoda, ASP (Rt.) Raja Dias and CI Ranjith Wickremasinghe, appears to be that both Priyadarshana and Jayasinghe were linked with a subversive named Kaduruwahanage Jinadasa *alias* Jine (who had master mined the attacked on the Sapugaskanda Police Station), and Priyadarshana went into hiding on the 20th of February 1990 upon receiving information that Jine had been apprehended by the Army. Further, Jayasinghe was arrested by ASP Peiris, since he was wanted for questioning in relation to his alleged association with Jine. Further, and additional ground for detention had been, that Jayasinghe attempted to kill ASP Peiris, at the time the latter tried to arrest him.

Importance of Jine ...?

Due to the aforementioned allegations against both Priyadarshana and Jayasinghe, the circumstances relating to the arrest, detention, investigations and the subsequent disappearance of Kaduruwahanage Jinadasa *alias* Jine became relevant and material, in so far as the terms of reference of the Commission was concerned. The credibility and the value one could attach to the official version relating to the arrest, detention, investigations and the final disappearance of Jine becomes important, in the determination of the truth or otherwise of the allegations leveled by the authorities against Priyadarshana and Jayasinghe. In the light of the nature of the involvement Jine is said to have had in subversive and terrorist activities, and the association he is said to have had with both Priyadarshana and Jayasinghe, it is appropriate and pertinent

that the arrest, detention and the connected investigation relating to Jine would have drawn the attention of the senior Police Officers of the relevant area, such as DIG Guneratne, SSP Nalin Delgoda and ASP Peiris. Specially since there was prima facie evidence that certain persons who did not have any apparent connection with subversives (such as kaluwa) had taken part in the attack on the Sapugaskanda Police Station, one would have expected proper and exhaustive investigations to have been conducted by the relevant investigators, before arriving at the conclusion that Jine and his group of subversives (of the JVP) were involved in the said attack. Further, in the event of Jine having implicated two Police Officers, who had till such time won the confidence of all Senior Police Officers of the area, and had been involved in exceptionally good Police work, it was necessary for the investigators to have conducted a comprehensive investigation to ascertain the truth or otherwise of the relevant allegation made by a subversive suspect. One would have expected the investigators to have conducted further investigations to collect further material which would tend to support or contradict the allegations said to have been made by Jine against Priyadarshana and Jaysinghe.

Jine arrested ...

On the morning of the 25th of February 1990, ASP Peiris is said to have informed CI Wickremasinghe that a subversive suspect by the name of jine had been arrested by the Army and was being detained at the Mattegoda Army Camp. ASP Peiris had instructed CI Wickremasinghe to proceed to the Mattegoda Camp, take custody of Jine, and bring him to the Kelaniya CSU. However, the Commission observed that ASP Peiris had not given the alleged instructions in writing. What was available to verify this position taken up by CI Wickremasinghe was his (Wickremasinghe's) note to such effect, made in the CSU Information book.

CI Wickremasinghe could not give evidence on the fact, as to from whose custody he took Jine. One would have expected the Police Officer to note down at least the name of the relevant Army Officer. In fact, one would have expected an experienced Police Officer such as CI Wickremasinghe to have recorded the statement of the relevant Army Officer. Further, CI Wickremasinghe admitted not having obtained information from the Army regarding the date of arrest, the circumstances under which Jine was arrested, whether Jine had been detained right through out at the Mattegoda Army Camp or at other places, whether there was a Detention Order authorizing the detention of the suspect etc. Further, CI Wickremasinghe had not made any attempt to ascertain and make a note of what the suspect may have divulged to the Army interrogators. In the event of Jine having challenged his arrest and detention by the Army, CI Wickremasinghe would have not been able to explain anything. He was not aware of the identity of the Army Officer who arrested Jine, and he was unaware of the circumstances under which he was arrested. Further, if Jine subsequently alleged in a Court of Law that he was tortured or otherwise harassed by the Army Officers whilst he was detained at the Army Camp, CI Wickremasinghe would not have been able to obtain the necessary evidence to refuse such an allegation. Some of the unexplained omissions in this regard, were elementary steps any Police Investigator would have taken. Having considered all the relevant material (which includes all the aforementioned omissions, irregularities and the connected suspicious

circumstances) we conclude that, CI Wickremasinghe's evidence on the taking over of suspect Jine from the Mattegoda Army Camp is unworthy of any credit. We reject that such an incident ever occurred. In this regard, we specially note the most artificial manner in which CI Wickremasinghe gave evidence on this matter.

Jine 'confesses' ...?

According to CI Wickremasinghe, having taken custody of Jine, he was brought to the Kelaniya CSU which at that point of time was housed at the Peliyagoda Police Station. Within a few hours of Jine being brought to the CSU, Wickremasinghe has taken the suspect to the Office of ASP Raja Dias, and produced him before the ASP. Having produced the suspect, CI Wickremasinghe requested ASP Dias to record a 'Confession' of the suspect.

According to the evidence of Retd. ASP Raja Dias, suspect Jine had been produced before him at about 1.00 p. m. CI Wickremasinghe had informed him that he (Wickremasinghe) brought the suspect from the Mattegoda Army Camp, and had requested him to record a 'confession' of the suspect. One of the primary things to ascertain prior to the recording of such a confession, is whether the suspect is in proper custody. That is, whether the suspect is being detained upon a valid detention order. In this instance, ASP Dias admitted that, he did not inquire from CI Wickremasinghe whether Jine was being detained under the authority of a Detention Order. Further, ASP Dias admitted that, he did not inquire from CI Wickremasinghe whether either Wickremasinghe or any other Police Officer had recorded an initial statement of the suspect, as done in all other similar cases.

According to ASP Dias, after the suspect was produced before him, he had ordered CI Wickremasinghe to leave his Office. (This is a normal step that is taken to ensure that the officer who produces the suspect does not afford any inducement to the suspect to make the confession or any semblance of an inducement) ASP Dias originally testified that the suspect started to confess within five minutes of having being brought to his office. However, upon the State Counsel examining him over and over again, ASP Dias changed his position and said that, the suspect commenced to confess after fifteen minutes. ASP Dias attempted to explain that, he afforded the suspect adequate time to reflect and consider whether he ought to confess. However, in the official record relating to this incident, ASP Dias has not made any entry to the effect that, he afforded such an opportunity to the suspect to reflect. According to that record, the suspect had commenced to confess right from the time he was brought to his office (from 1.00 p. m.) According to the oral evidence of ASP Dias, at the time the suspect made the statement, he (the suspect) had been in a good physical and mental condition. Once again, the ASP has not made any entry to such effect.

ASP Dias got down WPC 2021 Wimalawathie to type the confession of Jine. The recording of the statement had taken place till 7.00 p. m. in the night. The statement ran into pages. A Copy of the statement was produced before the Commission. At the end of the statement was a signature, which according to ASP Dias was of the suspect.

Priyadarshana and Jayasinghe involved in the attack ... ?

According to the alleged confession of Jine, he had been a member of the JVP since the end of 1977. He had subsequently become an activist. In April 1989, he had become the Organizer of the Military Wing of the JVP for the Gampaha District. During that period one Anure *alias* Anuradha had been the Leader of the Military Wing for the Gampaha district. Jine and Anuradha had discussed the possibility of mounting an attack on the Sapugaskanda Police Station, and securing the release of a JVP'er who at that time had been apprehended and detained at the said Police Station. Anuradha had impressed upon Jine the importance of obtaining the assistance of an insider for the implementation of the attack strategy. Jine undertook to obtain the assistance of a Police Officer who was attached to the Sapugaskanda Police. He had given this undertaking since, through a person named Jayasuriya, who at that point of time was the person in charge of Administrative activities of the JVP, had got to know Rohitha Priyadarshana approximately two months prior to this discussion. A few days after this discussion, Jine had visited Rohitha Priyadarshana at his Raddolugama residence, and had explained to him the Political Philosophy of the JVP. Priyadarshana had told Jine that, he did not approve of the Government's stand on the IPKF issue, and had agreed to support the JVP in its activities. Priyadarshana had also said that, he would secure the assistance of a friend of his named Jayasinghe (who had been working at the Ja-ela Police Station), for the work of the JVP. According to Jine's confession, on the day on which he met Priyadarshana, his father, and sister had also been present in the house. Thereafter on four or five occasions, Jine had met Priyadarshana and Jayasinghe at Priyadarshana's residence. On two of those occasions, he (Jine) had even consumed a meal at Priyadarshana's residence. On one such occasion Priyadarshana had given him 20 live gun cartridges and 60 84S weapon cartridges. Jine had given these cartridges to his leader Anuradha.

On the day of the attack, Jine and Amare had met Priyadarshana, at Jine's rented out house. Amare had shown to Priyadarshana a sketch of the Sapugaskanda Police Station (which had indicated the lay-out of the Station and the guard points). Amare had stated that, he had drawn it, by looking at the Station from the rear of the Station (from near a well), on the previous day. Amare had inquired from Priyadarshana whether the sketch was accurate. Priyadarshana had responded that the sketch was accurate. Amare had then told Priyadarshana that, they had planned to attack the Sapugaskanda Police Station that night, and had inquired from him whether he (Priyadarshana) could take a time bomb into the Station, and place it inside the Station. Priyadarshana had agreed. Amare had then told Priyadarshana to come back in the evening with a bag (to carry the bomb). The three of them had thereafter dispersed. In the evening all three of them had met. Priyadarshana had brought with him a bag. Amare had handed over the bomb to Priyadarshana. This bomb had been square in shape. It had been timed to explode at 3.00 a. m. Priyadarshana had been told to keep the bomb in a suitable place. Priyadarshana had been told that the purpose of the attack was to secure the release of a JVP'er who was being detained at the Sapugaskanda Police Station named Priyantha (who had been functioning as a Propaganda Secretary of the JVP for the Gampaha area), and also to obtain arms for the Organisation. Thereafter, Jine had taken Priyadarshana in his car upto the Kiribathgoda junction and dropped him.

In the official record of the confession, Jine had not stated any further details of the attack on the Police Station. What he has stated is that, on the following day, he had got to know through the Radio, that the JVP had launched an attack on the Sapugaskanda Police Station. He has not stated whether he or Amare actually took part in the attack proper. Nor has he stated as to how the attack was planned, the identities of the attackers, how the attackers withdrew etc. What is surprising is that, ASP Dias has not asked a single question in this regard. Was not ASP Dias interested to ascertain the most important details ? Did ASP Dias know that Jine was infact not involved in the conspiracy into the attack and the attack proper ? Having laboured to get details regarding Priyadarshana's involvement, ASP Dias has been content with it. Or is it that, the entire recording of the confession was part of the vivid imagination of ASP Dias and the other authorities ?

However, according to the confession, Jine says that, several days after the incident, he had met Amare. Amare had said that the attack was unsuccessful, mainly due to the reason that, the attackers could not take bombs. He had also said that, a JVP'er and three Police Officers died in the attack, and that the attackers could not take away any weapons from the Police Station. Several days thereafter, Jine had met Priyadarshana and Jayasinghe, at Priyadarshana's residence. Priyadarshana and Jayasinghe had expressed their dissatisfaction regarding the unsuccessfulness of the attack. Two weeks thereafter, Jine had met Jayasinghe at the Ja-ela Police Station. On that Occasion, Jayasinghe had given Jine 17, 9mm live cartridges. Jine had given the cartridges to one Raja who was the Political Leader of the JVP for Colombo Zone-1.

In December 1989, Jine had been transferred to Kandy as the District Secretary of the JVP for the Kandy District. While he was working for the JVP, he had been arrested by the Army, when he was at JVP activist's house in Kuruwita. ASP Dias has not bothered to inquire the date on which he was so arrested. Nor has he inquired the identity of the relevant activist. No details have been obtained regarding the circumstances under which he was arrested. He has also not been questioned on his detention under the Army. An elementary question for an ASP to ask under similar circumstances would be, whether the suspect was harassed during the period of detention. No question has been put to Jine, on how he was transferred from Army custody to Police custody. He has not been asked as to when he was so transferred. After transfer where he was detained has also not been asked. Inquiry in that regard is vital, in order to establish the voluntariness of the confession. However, ASP Dias has not asked these questions. ASP Dias has also not inquired whether Jine has made any previous statements either to the Army or the Police Officers, and whether he informed either CI Wickremasinghe or any other Officer, that he wished to make a confession to an ASP.

Kaluwa and Shanthlal ...

The role of Kaluwa and Shanthlal in the attack on the Sapugaskanda Police Station has been described in the chapter on the said attack. To re-cap what has been earlier stated, Kaluwa (a nephew of Gonawala Sunil) had definitely taken part in the attack on the Sapugaskanda Police Station. He died as a result of the counter attack by the Police, and his body was found in tye immediate aftermath of the attack, in the

compound adjoining the Police Station. Shanthalal was a labourer attached to the Sapugaskanda Police Station. He was arrested a few days after the attack on the Police Station, in relation to his alleged involvement in the attack. In custody, he made a statement to CI Wickremasinghe, admitting his complicity in the attack. He stated that, Kaluwa gave him a bomb which he placed inside a toilet which was situated on the 1st floor of the Station building. It had been this bomb that exploded at 3.00 a.m. on the 16th of July 1989, soon after which the attack commenced. Shanthalal also made a confession on the same lines to ASP Peiris. A few days after the said confession, Shanthalal disappeared under suspicious and mysterious circumstances from the custody of officers of the Kelaniya CSU. ASP Raja Dias was the Officer who had been entrusted the task of supervising the investigation into the attack on the Police Station. He had been instructed by DIG Guneratne and SSP Delgoda to investigate and ascertain the true facts relating to the incident, which included the circumstances relating to the attack and the identities of all the attackers and the relevant conspirators ...

In the backdrop of the evidence relating to Kaluwa and Shanthalal, upon an alleged conspirator (Jine) confessing to his involvement in the incident, what did ASP Dias do? He chose not to ask a single question from Jine, regarding Kaluwa or Shanthalal. ASP Dias could not give a reasonable explanation for not having made the relevant inquiries. He attempted to explain that, he did not ask the relevant question, since he was unaware of Shanthalal's involvement in the attack. He stated that, CI Wickremasinghe did not bring to his attention of the fact that, Shanthalal had been arrested and, that he had confessed. He stated that, it was for the first time that he got to know at the Commission sittings, of even the name of Shanthalal. On the One hand, we are of the opinion that, this position taken up by ASP Dias is wholly untenable. He being the chief investigator cannot say that, he was unaware of the arrest of Shanthalal, and what he had confessed to. If on the other hand, for the purpose of argument, if we are to accept ASP Dias's position on Shanthalal, what flows from it? It means that, both ASP Peiris and CI Wickremasinghe have withheld from the Chief Investigator the incident relating to Shanthalal. If so, why? Why should both of these officers want to suppress Shanthalal's issue? Did they want to withhold the fact that, Kaluwa had not only taken part in the attack, but had also given the bomb to Shanthalal?

ASP Dias cannot be heard to say that, it was an innocent omission. If he were to take up that defence, we have to conclude that, ASP Dias is a person who does not deserve to hold any rank in the Sri Lanka Police. However, judging by ASP Dias's career in the Police force and his past experience, we cannot conclude that, he had been an Officer who was so incompetent. Therefore, we are firmly of the opinion that, ASP Dias intentionally and deliberately refrained from inquiring about Kaluwa and Shanthalal from Jine, since he did not want to place on record the actual circumstances relating to the attack and the exact identities of all those responsible for the entire incident.

The list of omissions on the part of ASP Dias is so lengthy that, it is not practically possible to list here the entirety of it. However, what can be said is that, having considered fully the circumstances under which the alleged confession has been recorded and the nature of the record, leaves very clear grounds to reject the position that, such a confession was ever recorded.

For what purpose the 'confession'

Getting back to C. I. Wickremasinghe, why did he take the step of producing Jine before ASP Dias? Wickremasinghe did not testify to the effect that, on the way from Mattegoda, Jine requested him to be produced before an ASP, for him to make confession. Further, by the time Wickremasinghe took this unusual step, he (Wickremasinghe) had not questioned Jine and recorded his statement. It was the consensus of opinion of all Police Officers who gave evidence before the Commission that, the normal and accepted practice in similar occasions is, for a junior officer to question and record a statement of a subversive suspect initially, and thereafter if the suspect wishes to make a confession to an ASP, produce the suspect for that purpose before an ASP.

The purpose of such an exercise is to use such a confession made by a suspect to an ASP, at a trial against such suspect, in relation to offences said to have been committed by the suspect. These confessions are admissible in evidence under the provisions of the Prevention of Terrorism Act, and the Regulation made under the provisions of the Public Security Ordinance (commonly referred to as the Emergency Regulations). Such confessions are admissible in evidence, provided they have been made by the suspects voluntarily (*i.e.* without a Promise, Inducement or Threat). Under the relevant legal provisions, when the Prosecutions seeks to lead in evidence the contents of such a confession made to an ASP, the burden of establishing that the confession was not made voluntarily, lies on the accused. [Under the, normal law, firstly, all confessions made to Police Officers (irrespective of the Officers rank) are inadmissible other than

those made to Magistrates). Secondly, if a confession has been made by a suspect to any other person in authority, is sought to be led in evidence, the burden of proving that the relevant confession was made voluntarily, lies with the prosecution. Such procedure is adopted, in instances where suspects have made statements to Magistrates.] However, only an accused who is available and present at his trial, would be able to instruct his counsel in an appropriate manner, and challenge the admissibility of the alleged voluntary confession. It can be done by cross examining the Police Officers, giving evidence on his behalf and by leading evidence of other witnesses on his behalf. Invariably, in all such cases, accused challenge the admissibility of confessions said to have been made by them to ASPs.

If the accused is not available at the trial, and if he is unrepresented, these matters cannot be tested, and what is left before Court is the unchallenged evidence of the Police. Hence, invariably, the Confession has to be admitted in evidence by the trial Judge, since he has no other material upon which the position of the Police witnesses could be rejected. Further, if the accused is available at the trial, the trial Court can arrive at a finding on whether the allege confession is true or false. If the accused is not available, court is handicapped in this regard too. Hence, the availability of the accused at the trial is vital for the proper administration of justice.

C I Wickremasinghe was undoubtedly an experienced Police Officer, who had adequate exposure in the field of criminal investigatin. He had given evidence in a vast number of criminal cases, wherein the admissibility of confessions made by

subversive suspects to ASPs were challenged. Hence it is reasonable to infer that he was aware of all the relevant procedures. Upon he being examined by Counsel, it became clear to the Commission that, C I Wickremasinghe was quite aware of how to set about the relevant procedure, which would end in the recording of the confession be an ASP. He was aware that, if the relevant accepted by procedures were not followed, it would not be possible to successfully prosecute the suspect and admit in evidence the relevant confession. Some of the elementary investigational procedures have not been adhered to by C. I. Wickremasinghe in this regard. Hence, even if Jine had ever been produced before ASP Raja Dias, and if Jine had confessed either the whole or part of the activities he is alleged to have confessed to, it is clear that C I Wickremasinghe never intended to produce Jine before a Court of law, and cause his prosecution by trial in his (Jine's) presence. Had Wickremasinghe entertained the final objective of prosecuting Jine (in his presence) in accordance with the provisions of law, he would have undoubtedly adhered to the necessary investigational steps. Right from the beginning, C I Wickremasinghe had known that Jine would not be available in the future to challenge his (jine's alleged confession to ASP Dias. If so, why had the relevant authorities decided not to permit Jine to face trial? Was it because the circumstances under which Jine is said to have made the alleged confession is totally different to the version of the Police? Is it because the alleged confession is false? Is it because Jine was innocent? Is it because Wickremasinghe and others knew, that the portion of the alleged confession of Jine relating to Priyadarshana and Jayasinghe was false?

What happened to Jine.....

After recording the 'confession' of Jine, he was once again sent to the Sapugaskanda Station for detention. One would expect that the purpose of this detention was, to facilitate further investigations, and to detain the suspect pending trial. However, after the recording of the alleged confession, the CSU had no conducted any investigations in this regard. Jine had been in detention continuously.

According to P S Ratnayake of the SCU, on the 23rd of May, 1990, ASP Peiris had instructed him to record a confidential statement from the suspect. Therefore, Ratnayake had proceeded to the Sapugaskanda Police Station, and got down Jine to the Traffic Branch of the Police Station. At the Traffic Branch, Ratnayake had recorded a 8 line statement of the suspect. In that alleged brief statement, Jine has stated that he knew the then leader of the JVP. Somawansa Amarasinghe, and that he had associated with him closely. He is also alleged to have said that, if he sees Somawansa Amarasinghe, he could identify him Even according to the alleged statement, Jine has not said as to where Somawansa Amarasinghe is living, or where he may be staying on that day. Further, he has also not stated the places where he frequents. What is noteworthy is that, PS Ratnayake had not been told by ASP Peiris to question Jine on Somawansa Amarasinghe. Further, the official record of this statement does not indicate that, Ratnayake questioned Jine on Somawansa Amarasinghe. If such questions were put, it was incumbent on Ratnayake to record that the suspect made the statement pursuant to certain questions put to him. He should have also recorded the nature of the questions so put. In the absence of such entries, we have to conclude that, Jine made the alleged statement 'ex mero motu' (on his own motion). If so, why

didn't he make these revelations, in his alleged confession to ASP Dias ? Further, after not having made such revelations, why did Jine decide to divulge such vital information by the 23rd of May, 1990 ? On the other hand, was the alleged recording of this statement, another imaginative step by ASP Peiris, and PS Ratnayake, in order to explain an incident which is alleged to have occurred thereafter. We also note that, PS Ratnayake had chosen a most unusual place to record this statement of Jine. Why didn't Ratnayake record the statement at the CSU of the Sapugaskanda Police Station itself, where Jine was being detained ? Ratnayake was not in a position to explain to the satisfaction of the Commission the reason for having brought Jine out from the CSU to the Traffic Branch of the Police Station for the recording of the statement.

Thereafter, according to PS Ratnayake, he along with several other Officers including PCD 15175 Ranjith, PS 19605, PC 20963, had taken suspect Jine in a car, to look for Somawansa Amarasinghe. At this stage itself, we wish to pose the question, why did Ratnayake take this step ? Jine has not said in his statement, that he could show the investigators, where Somawansa Amarasinghe was hiding or living or where he was to come to, on that particular day. If he did provide such information, it was incumbent on Ratnayake, to have incorporated such vital information in the statement of Jine. Once again, Ratnayake could not give a satisfactory explanation to his most unusual conduct. At one point of time, Ratnayake stated that, all what he did and the reasons for the same, would be contained in his official notes on the incident. Learned State Counsel at that stage showed to the witness his official notes pertaining to the relevant incident. However, the witness could not show the Commission, the portion of his notes, which contained his reasons for he having taken out Jine. Further, the notes did not indicate that Ratnayake informed any senior officer that he was taking out Jine on this important mission. He has not even informed ASP Peiris, who is alleged to have originally instructed him to record Jine's further statement. Can one expect a Junior Officer such as PS Ratnayake, to take out of the place of detention, such an important suspect, without having obtained the permission of a Senior Officer ?

Jine disappears.....

Jine had been taken out of the Station hand cuffed. The party had left at about 8.55 a.m. They have then proceeded towards Negombo. From 9.30 a. m. to 12.00 noon, the party had waited near the turn-off (on the Colombo-Negombo main road) to the Colombo International Airport, katunayake, to see whether Somawansa Amarasinghe was passing by in a vehicle. While waiting for Somawansa Amarasinghe to pass by, the Officers have removed Jine's hand cuffs. No acceptable reasons was given for this unusual conduct. Did they remove the hand cuffs, to facilitate Jine to escape ? Thereafter, the party had come back towards the Ja-ela town, and from 1.00 p.m. to 3.00 p.m., had waited in front of the Ja-ela Super Market for Somawansa Amarasinghe to pass by. By about 4.00 p. m. , they have gone to Wattala, and from near the Samudra film hall, had once again waited for Somawansa Amarasinghe to pass by. On this occasion PS Ratnayake had permitted Jine to come out of the vehicle, and wait outside. Once again, Ratnayake could not give a satisfactory answer to the question, as to why he allowed Jine to come out of the vehicle. Furthermore, what is most important, is that they had gone to all these places, without Jine having provided any information. If so, why did Ratnayake go to all these places ? Did he have telepathy, that Somawansa Amarasinghe would come to these places that day ?

Jine had been standing in between two Officers. These Officers had been armed. Suddenly, around 6.00 p.m., Jine had suddenly disappeared. Can this ever happen ? Ratnayake and none of the other Officers had seen as to what had happened to Jine. They have not even seen Jine escaping. In this modern world, can one be heard to say, that a person "disappeared" ? Thereafter, the Officers had briefly searched the surrounding area for the suspect, without any result. According to the Official notes of PS Ratnayake, by 6.45 p.m., the party had left the scene for the Sapugaskanda CSU. However, when he gave evidence before the Commission, he went further, and stated that, after the search he went to the nearest Police Station, namely the Wattala Police Station and sought their assistance to look for Jine. He had gone with them to the scene of the disappearance, and searched whether Jine was around. He had not been in the area. Ratnayake had thereafter gone back to the Wattala Police Station, and given a message to ASP Peiris regarding the disappearance of Jine. If Ratnayake did the said search with the assistance of the Police Officers of the Wattala Police Station, he ought to have made entries relating to the same. Whereas, his notes on the incident, does not contain any entry to such effect.

Further, Inspector Neal Hettiarachchi, the then Officer-in Charge of the Wattala Police Station, has made a statement to the Investigations Unit of the Commission, stating that, at no point of time did either PS Ratnayake or any other Officer come to his Police Station, and informed him or the Wattala Police Station that, Jine has disappeared, and sought their assistance to look for the suspect. Further, Officers of the Wattala Police Station had not gone out to the relevant scene, to search the area for Jine. If so, can the version of the incident, as narrated by PS Ratnayake be believed ?

According to the oral evidence of PS Ratnayake, that night they had gone to the Pettah Bus Stand, and searched the area for Jine. Since that night, the Sapugaskanda CSU has not made any inquiries regarding the whereabouts of Jine. Jine had disappeared for ever. To-date, there is no evidence as to what happened to Jine. Even his family members have not heard of him since.

Police have not taken any steps to invite members of the Public to provide information regarding the whereabouts of Jine. Notices calling for information have not been published. Not a single Police Station in the country has been informed of the disappearance or the escape of suspect Jine. Special Units of the Police such as the Security Coordinating Unit, Crime Detective Bureau and the Criminal Investigations Unit had also not been alerted. Infact, none of the steps which the Police Departmental regulations stipulate that Officers should take in a case of escape of a suspect from Police custody, have been taken in this incident. Under these circumstances, this Commission totally rejects the version of the alleged disappearance of Jine, as narrated by PS Ratnayake.

After this incident, notwithstanding the fact that, Jine had disappeared in a mission PS Ratnayake had taken him, without the permission of any superior Officer, and under the circumstances when a most important subversive suspect had escaped from PS Ratnayake's custody, no disciplinary action had been taken as against Ratnayake. Further, no investigation had been conducted in relation to the incident. PS Ratnayake

had not even been interdicted pending inquiry. One would have at least expected Ratnayake to have been transferred out of the CSU. Non of the steps which the Police hierarchy ought to have taken in this regard, had been taken. Senior Police Officers of the Division such as SSP Nalin Delgoda and ASP Raja Dias, and the most Senior Officer under whom the Kelaniya Division came under DIG Merril Guneratne, had been totally aware of the incident. However, they were unable to explain to the Commission any useful or proper step they had actually taken in this regard. Due to these reasons, apart from rejecting the version of the incident as narrated by PS Ratnayake, we infer that, DIG Merril Guneratne, SSP Nalin Delgoda and ASP Raja Dias knew what had actually happened to Jine, and they condoned it. As we have stated in the previous chapter on the Batalanda affair, what happened to Jine had also been a 'intentional disappearance of the suspect', which had been referred to as 'elimination of a suspect', during the relevant period. To put it in a formal manner, we conclude that, Jine had been extra judicially killed by officers attached to the CSU. However, apart from stating that PS Ratnayake appears to have been involved in the murder of Jine, we are unable to confirm the identities of the Officers who took part in the murder.

It is now incumbent on us to briefly comment on the possible motive for having eliminated Jine. It was only Jine who had at least on paper had allegedly implicated Priyadarshana and Jayasinghe. It was the position of Counsel who looked after the interests of ASP Peiris, CI Wickremasinghe, witnesses Merril Guneratne and Nalin Delgoda that, Priyadarshana disappeared on his own motion from the Sapugskanda Police Station on the night of the 20th of February 1990, since he had got to know that Jine had been apprehended by the Army, and since he feared that Jine would spill the beans so to speak. The suggestion was that, Jine confess of his own involvement in the attack on the Sapugskanda Police Station, and in the process implicate Priyadarshana too. Hence Priyadarshana disappeared from the Police Station. Further Jine also implicated Jayasinghe. That justified Jayasinghe's arrest and detention.

However, had Jine been alive to face a criminal prosecution (based on his alleged confession), he would have definitely at the trial given evidence on the circumstances under which he made the relevant confession. He would have also testified as to whether or not he made such a confession. He would have also pointed out the truthfulness or otherwise of the alleged confession. If the Trial Court held (having considered the Accused Jine's evidence, and other evidence he may have adduced), that, Jine's alleged confession was not truthful, or that Jine had never made such a confession, what would have been the position? What would have been the position relating to the official position regarding Priyadarshana and Jayasinghe.

Further, had Jine been alive to tell his version before a Court of law, he would have denied his involvement in the Sapugskanda attack. It would have come to light that another suspect, namely Shanthlal had already confessed to his own involvement in the attack, and the role Kaluwa (Gonawala Sunil's nephew) played in the attack. It would have transpired that, the authorities had swept under the carpet the involvement of Kaluwa authorities had swept under the carpet the involvement of Kaluwa (who did not possess a JVP identity) and his clan (including Shanthlal), in the attack on the Sapugskanda Police Station. If the version relating to Kaluwa came to light (as

it has finally come out now), it would have become difficult for the authorities to convince the Public that the attack on the Police Station had been mounted by the JVP. The subsequent events which took place relating to Jine, manifestly indicates that the relevant authorities were successful to a certain extent in accomplishing their objectives.

Action filed against Jine... Convicted in absentia...

After the 'disappearance' of Jine, the CSU forwarded the Information Book Extract relating to Jine (which contained only his alleged Confession to ASP Raja Dias) to the Attorney General's Department in the normal course of events. The Attorney General indicted Jine in 1993, in the High Court of Colombo and Gampaha. The case filed in the High Court of Gampaha was No. 161/93. Kaduruwa Hewage Jinadasa alias Jine was indicted under section 3(b) of the Prevention of Terrorism Act read with section 2(1)(e) of the said Law, for having between the 1st of July 1989 and 17th of July 1989, conspired with persons named Amare, Priyadarshana and Jayasinghe, to cause mischief to public property namely the Sapugaskanda Police Station. The case filed in the High Court of Colombo was No. 6049/93. In this case, Jine was indicted under the Regulation 23 of the Emergency Regulations (promulgated under the provisions of the Public Security Ordinance), for having during the period 1st of July 1987 and 6th of January 1988, conspired with one Bandu of Narahenpita, to overthrow the Government by illegal means.

Case number 161/93 commenced in July 1995. The Accused Jine was absent and unrepresented. On the available material furnished by the Police, the Prosecution initially led evidence to establish that Jine escaped from Police custody. On the available material, the trial judge made order to try Jine in his absence. This type of Trial is referred to as a 'Trial in absentia'. The Prosecutor thereafter led the evidence of ASP. Raja dias. He gave evidence of the recording of the Confession. Unlike in all trials wherein the Prosecution seeks to lead in evidence confessions alleged to have been made by accused to ASPs, in the instant case, when the prosecution sought to mark as evidence the official record of the alleged confession, no body objected to it. That was because the accused was not present, and he was unrepresented by Counsel. In the normal course of event, upon the Counsel for the accused objecting to the presentation of the relevant item of evidence, an inquiry (referred to as a *viordire* inquiry) would be held to enable the trial judge to decide the admissibility of the confession. As explained earlier, in such instances, under the provisions of the prevention of Terrorism act and under the Emergency Regulations, the onus of establishing the involuntariness of the confession (i.e. it had been obtained either under a threat, inducement or promise), lies on the defence. Under the relevant Law, the legal duty or burden cast on the accused (in order to move Court not to accept in evidence the contents of the Confession), is to make it 'appear to Court' that the Confession had been made involuntarily. Due to the reasons mentioned above, in the instant case, there was no '*viordire*' inquiry. The only evidence led was the evidence of ASP Raja Dias. Having considered the only available evidence, the trial judge made order admitting in evidence the contents of the alleged confession. The learned Trial Judge in his Order stated inter-alia that, "Upon the presentation of this type of statement (a reference to the written record of the alleged confession), the duty of

proving the involuntariness of the confession lies on the accused. The accused did not appear at the trial. There was no representation too on his behalf. Therefore, I have to accept in evidence this Confession". The learned Trial Judge thereafter convicted the accused and sentenced him.

Case 6049/93 commenced in the High Court of Colombo in January 1995. The circumstances relating to this case was identical to the case mentioned above. The accused was absent and unrepresented. The trial commenced after the prosecution led evidence to the effect that the accused had escaped from Police custody. The evidence led at the trial related to the recording of the alleged Confession. ASP Raja Dias and the alleged typist of the confessional statement WPC 2021 Nimalwathie Ranasinghe gave evidence. The learned Trial Judge in his Order accepting in evidence the contents of the alleged Confession, inter-alia stated that, "The onus of establishing that the alleged confession would be inadmissible in terms of section 24 of the Evidence Ordinance lies on the accused. In this case, the accused has not discharged that burden. Therefor, I admit in evidence the contents of the statement." Based on the said confession, the learned trial Judge has convicted the Accused and sentenced him to 20 years rigorous Imprisonment.

During the course of Inquiry by this Commission, we had the opportunity to compare the evidence given by ASP Raja Dias at the aforementioned Trials in comparison with his testimony given before us. It is observed that, in the present inquiry, not only his evidence, but also the evidence of CI Wickremasinghe and PS Ratnayake was subjected to extensive examination by Counsel, with the view to ascertaining their credibility. The learned trial Judges mentinoed above, did not go on a voyage of discovery, as they were required by law only to adjudicate on the evidence placed before them by parties (in the two cases referred to above, by only the Prosecution). However, in the instant inquiry, we ventured on to ascertain the truth, since this was an inquisitorial proceeding, as oppose to an adversarial proceeding. We had the benefit of extensively tested evidence, as opposed to mere ex-parte and unchallenged evidence. Therefore, it need not be specifically said that, on the available material (at present) the decision of this Commission could differ (for very valid reasons) from those of the two trial judges referred to above.

We have carefully considered the entirety of the reliable material pertaining to the attack on the Sapugaskanda Police station. We have compared, evaluated and analyzed thesaid material in comparison with the contents of the alleged confession of Jine. All items of evidence other than the alleged confession of Jine fully tallies with each other. However, the confession stands out totally uncorroborated, and contain establishable falsehoods. Therefore, we are firmly of the view that, the said confession is a false version of the events relating to the attack on the Sapugaskanda Police Station. Therefore, we conclude that, the contents of the alleged confession of Jine had been manufactured. ASP D. Peiris, ASP Raja Dias and CI Wickremasinghe had been involved directly in the said illegal conduct.

Why was it necessary for the relevant authorities to indulge in such illegal activity? As stated in the concluding part of the Chapter on Rohitha Priyadarshana, after the disappearance of Priyadarshana and his death, those possessing management powers of the Kelaniya Division CSU conspired to manufacture a version to the effect that, Priyadarshana disappeared from the Sapugaskanda Police Station on his own motion. They proceeded to identify and indicate to the rest, a motive or the reason for Priyadarshana to have so disappeared or decamped. They also wanted to indicate that, Priyadarshana too was a person unworthy of credit and involved in illegal conduct and not worthy of holding a post in the Police service. They also wanted to counter the mounting criticism against the Police hierarchy from within and outside the Police, regarding their apparent inaction relating to the disappearance of Priyadarshana. It was also desired by the relevant authorities to eliminate the doubt that persons had of the involvement of the Police hierarchy and other powerful persons in the disappearance. Therefore, it became necessary to paint a totally different picture. The picture so painted was basically that, Priyadarshana decamped on his own motion, since he got to know that Jine (with whom he had a relationship) had been apprehended by the authorities, and fearing that he (Jine) would implicate him (Priyadarshana) in due course. This fabricated picture would necessarily totally white wash those within and outside the Police who were actually involved and concerned in Priyadarshana's disappearance and murder.

CHAPTER IX

FINDINGS

We list below our findings on the Terms of Reference, as contained in the Warrant. These findings are based on a serious consideration of all the evidence placed before this Commission, and other reliable material considered by the Commission in the inquire. What has been stated above in the preceding chapters is, a summary of the salient evidence and material, which were taken into consideration, in arriving at these findings. It is suggested that, for a complete understanding of the reasons for having arrived at these findings, Your Excellency be pleased to consider the entirety of the recorded proceedings, which are produced along with this Report.

- (A) *The circumstances relating to the disappearance of Sub-Inspector Rohitha Priyadarshana of the Sapugaskanda Police Station, on or about the 20th of February 1990, and the person or persons directly responsible for such disappearance, and the person or persons who aided and abetted the same.*

The circumstances which led to the disappearance of Sub Inspector Rohitha Priyadarshana have been stated in detail in Chapters 6 and 7 above. Therefore, it is not intended to reproduce the said circumstances herein.

However, we wish to state that the totality of the circumstances relating to the disappearance of Rohitha Priyadarshana can be only understood, in the backdrop of the attack on the Sapugaskanda Police Station, and the subsequent investigations conducted in relation to the said attack, including the events relating to the detention investigation and the disappearance of kaduruwahanage Jinadasa alias Jine.

As regards the attack on the Sapugaskanda Police Station, we are of the view that,

- (i) a group of persons launched an attack on the Sapugaskanda Police Station, on the early hours of the 16th of July, 1989.
- (ii) the external attack on the Sapugaskanda Police Station commenced with an explosion caused by the the exploding of a bomb, which had been placed inside a toilet situated on the upper floor of the said police Station,
- (iii) three Police Officers including the then officer-in Charge of the Sapugaskanda Police Station, Inspector Lalith Mabanama died due to injuries sustained in the course of the said attack,
- (iv) two attackers, including a person named Sumith Perera alias kaluwa died as a result of injuries sustained in the counter attack on the attackers, launched by the police Officers of the Sapugaskanda Police Station,

- (v) the aforementioned Sumith Perera was a nephew of Sunil Perera alias Gnawala Sunil, and the entire family of both Sumith Perera and Sunil Perera (who were from the Kelaniya area), were well known activists and supporters of the then ruling United National Party,
- (vi) the subsequent investigations conducted into the attack on the Sapugaskanda Police Station, had been conducted in a hasty manner, and not with the genuine objective of bringing into justice the actual perpetrators of the crime,
- (vii) the identities of the other attackers who escaped after the attack were not established,
- (viii) the original investigators have intentionally suppressed divulging the identity of Sumith Perera alias Kaluwa,
- (ix) during the course of the original investigation, a suspect known as Shanthalal was arrested by the officers of the Counter Subversive Unit of Kelaniya, who under interrogation confessed to his involvement in the aforementioned crime, by having placed inside the Police Station a bomb given to him by the earlier mentioned Sumith Perera alias Kuluwa,
- (x) the original investigators having elicited this evidence suppressed it, and subsequently the said suspect disappeared whilst in police custody under extremely suspicious circumstances,
- (xi) the original investigators intentionally omitted to institute criminal proceedings against Shanthalal, since they sought to implicate other persons, and also with the view of suppressing the actual identities of the attackers of the Sapugaskanda Police Station.

On this background, we wish to deal directly with the circumstances relating to the disappearances of Sub Inspector Rohitha Priyadarshana.

- (i) Rohitha Priyadarshana was a young and energetic officer of the Sri Lanka Police. He was honest and fearless. He was successful in solving unsolved crimes in the Kelaniya area. In the performance of his official duties and in apprehending suspects, he was not a respecter of political affiliations of criminals.
- (ii) During the period of the attack on the Sapugaskanda Police Station, and until his disappearance on the 20th of February 1990, Rohitha Priyadarshana was attached to the Sapugaskanda Police Station.
- (iii) At the time of the attack on the Sapugaskanda Police Station, Rohitha Priyadarshana was out of the Station on official duties along with other officers, and returned immediately to the Station upon hearing the explosion and gun fire.
- (iv) There is no evidence of Rohitha Priyadarshana having being in any way involved in the attack on the Sapugaskanda Police Station, and the conspiracy connected therewith.

- (v) On a date in early February 1990, Rohitha Priyadarshana along with certain other Police Officers, arrested a suspect named Tudor Perera, who was concerned in committing serious crimes. The said Tudor Perera was also a nephew of the aforementioned Sunil Perera alias Gonawala Sunil.
- (vi) Within days after the arrest of the aforementioned Tudor Perera, the said suspect disappeared whilst in de-facto Police custody. However, the exact circumstances under which the suspect disappeared is not established. Upon the disappearance of the said suspect, accusations were made by interested and embarrassed parties (in including Senior Police Officers) that, Rohitha Priyadarshana was responsible for the disappearance of Tudor Perera.
- (vii) Close relations of Tudor Perera complained to Mr. Ranil Wickramasinghe, that Tudor had been apprehended.
- (viii) On the night of the 20th of February 1990, Rohitha Priyadarshana functioned as the Station Duty Officer (SDO) of the Sapugaskanda Police Station, since the officer-in Charge of the Station Inspector Keerthi Atapattu had left the police Station to attend a discussion at the Biyagama village Hotel.
- (ix) Around 8.00 p. m. on the night of the 20th of February, the aforementioned Inspector Atapattu gave a telephone call to Rohitha Priyadarshana (to the Sapugaskanda Police Station), and instructed Rohitha Priyadarshana to come to the Biyagama Village Hotel.
- (x) Soon afterwards Rohitha Priyadarshana left the Sapugaskanda police Station, in order to proceed to the Biyagama village Hotel. Since then, Rohitha Priyadarshana did not return to the Sapugaskanda Police Station or to his residence.
- (xi) No proper attempt was made by the Police authorities to locate the missing Rohitha Priyadarshana, or to ascertain as to what had happened to him.
- (xii) On or about the 23rd of February, Rohitha Priyadarshana's body was found floating in the Kelani river behind the Peliyagoda Police Station.
- (xiii) No proper attempt was made to investigate into the death of Rohitha Priyadarshana. However, his personal friends in the Police Service (including Ajith Jayasinghe) made valiant attempts to locate him, and to ascertain as to who was responsible for his death.
- (xiv) The police authorities in the Kelaniya area, refused to acknowledge the fact that, Rohitha Priyadarshana had been murdered.
- (xv) In the alternative, the relevant authorities commenced a cover-up operation, with a view to suppress the actual circumstances under which Priyadarshana disappeared and subsequently died.
- (xvi) These steps included having sent Rohitha Priyadarshana on 'Vacation of Post'.

- (xvii) The Police authorities gave wide publicity to the fact that Rohitha Priyadarshana had disappeared, and indicated that, he had so disappeared on his own free will. They attempted to indicate that, he had so disappeared, fearing that a suspect named Kaduruwahanage Jinadasa (who was in police Custody at that time) would divulge material implicating him.
- (xviii) Available material clearly indicate that, Kaduruwahanage Jinadasa alias Jine, had been in the custody of the Kelaniya Division CSU during a certain period in 1989 to 1990.
- (xix) The official version relating to the sequence of events which led to the alleged recording of Jine's statement which is of a confessional nature, is false.
- (xx) The available material relating to the recording of the alleged confession, is wholly inadequate to establish that, the said confession was made voluntarily.
- (xxi) The said statement contains material falsehoods, relating to circumstances pertaining to the attack on the Sapugaskanda Police Station.
- (xxii) The said statement is totally unworthy of credit, to arrive at the conclusion that Sub-Inspectors of Police Rohitha Priyadarshana and Ajith Jayasinghe, were either directly or indirectly involved or concerned in any illegal or improper activity. There is no credible material upon which we can conclude, that the said two officers were in any manner involved in the attack on the Sapugaskanda Police Station or, intentionally or otherwise aided and abetted the attack on the said Police Station by planting a bomb or/and by giving ammunition to a JVP activist, or assisted in the activities of the JVP.
- (xxiii) The official version relating to the disappearance of Sub-Inspector of Police Rohitha Priyadarshana is false. There is no basis whatsoever in the theory that, Rohitha Priyadarshana suddenly left the Police Service, on the night of the 20th of February 1990, due to his fear that suspect Kaduruwahanage Jinadasa would divulge to the Police evidence incriminating him (Priyadarshana), especially with regard to the attack on the Sapugaskanda Police Station.
- (xxiv) ASP Keerthi Atapaththu had been directly concerned in causing the disappearance of the said Rohitha Priyadarshana.
- (xxv) DIG Merrill Guneratne, SSP Nalin Delgoda, ASP Raja Dias and ASP Keerthi Atapaththu, suppressed correct events relating to the disappearance of the said Rohitha Priyadarshana, during the period immediately following the disappearance of the said officer, and also during the course of inquiry into the said disappearance by this Commission.
- (xxvi) DIG Merrill Guneratne, SSP Nalin Delgoda and ASP Raja Dias failed to take appropriate and legal action required by law, regarding the disappearance of the said Rohitha Priyadarshana.

(xxvii) ASP Douglas Reiris is indirectly involved in the disappearance of Rohitha Priyadarshana. Evidence to this effect mainly stems from his having abducted and detained Ajith Jayasinghe, who took genuine steps to locate the aforementioned Rohitha Priyadarshana, after the latter disappeared. [This matter will be dealt with under the next term of reference.]

(B) the circumstances relating to the arrest and subsequent detention of Sub-Inspector Ajith Jayasinghe of the Peliyagoda Police Station, on or about the 24th of February 1990, and the person or persons directly or indirectly responsible for such arrest and detention, and the persons who aided and abetted in arresting and detaining the said Ajith Jayasinghe.

- (i) During the period preceding the 24th of February 1990, Sub-Inspector Ajith Jayasinghe had not committed or been concerned in any act constituting an Offence. Accordingly, this Commission is of the view that, as at the 24th of February 1990, there was no justification to arrest the said Ajith Jayasinghe.
- (ii) During the period immediately preceding the 24th of February 1990, Sub-Inspector Ajith Jayasinghe took a keen and genuine interest in inquiring into the circumstances led to the sudden disappearance of sub-Inspector Rohitha Priyadarshana, and also, into what had happened to the said Rohitha Priyadarshana after his disappearance on the 20th of February 1990.
- (iii) Sub-Inspector Ajith Jayasinghe's conduct referred to in the above paragraph, was viewed with hostility by Senior Police Officers, including DIG M. M. R. (Merril) Guneratne, SSP Nalin Delgoda, ASP Douglas Peiris and Inspector Keerthi Atapatthu.
- (iv) Ajith Jayasinghe's belief on the disappearance of Sub-Inspector Rohitha Priyadarshana was that, Rohitha Priyadarshana had been caused to disappear, by or on the instructions of the Police hierarchy in the Kelaniya area. During the period 20th to the 24th of February 1990, Ajith Jayasinghe made his belief known to Police officers of the Kelaniya area.
- (v) On the 24th of February 1990, near the railway crossing of Dematagoda, a group of Police Officers headed by ASP Douglas Peiris abducted (tantamounting to an illegal arrest) Sub-Inspector Ajith Jayasinghe, and took him to the Peliyagoda Police Station. The other Police Officers who took part in the said abduction were, PS Jayaratne, PS Lakshman, PS Ranatunge, PS Ratnayke and PCD Ranjith. Apart from the aforementioned Police Officers, a civilian by the name of Raasendra also took part in the abduction. We are firmly of the view that, at the time of the abduction or thereafter, there was no justification for the arrest of Ajith Jayasinghe. The Fundamental Rights of Ajith Jayasinghe guaranteed under article 13 (1) of the constitution has been violated by ASP Douglas Peiris.
- (vi) On the 24th of February 1990, Sub-Inspector Ajith Jayasinghe was wrongfully confined in the Peliyagoda Police Station, for a couple of hours, at the instance of ASP Douglas Peiris. There was no justification, in detaining Ajith Jayasinghe during this period.

- (vii) From the 24th of February to the 27th of October 1990, Sub-Inspector Ajith Jayasinghe was wrongfully confined in the Biyagama Police Station at the instance of ASP Douglas Peiris, without any justification. This period of wrongful confinement, tantamounts to an illegal detention of the said Ajith Jayasinghe. His Fundamental Rights guaranteed under article 13 (2) of the Constitution has been directly violated during this period.
- (viii) ASP Douglas Peiris was directly responsible for the aforementioned illegal arrest and illegal detention of Sub-Inspector Ajith Jayasinghe.
- (ix) SSP Nalin Delgoda, ASP Raja Dias and Chief Inspector Ranjith Wickremasinghe were indirectly responsible for the aforementioned illegal detention of Sub-Inspector Ajith Jayasinghe.

With reference to terms of reference (A) and (B) above, this Commission has arrived at the following additional findings. These findings have a direct bearing on both the aforementioned terms.

- (i) After causing the disappearance of Sub-Inspector Rohitha Priyadarshana and having caused the illegal detention of Sub-Inspector Ajith Jayasinghe, those responsible for the said illegal acts, attempted to give the impression that,
 - (a) Rohitha Priyadarshana had on his own free will disappeared, and that,
 - (b) Ajith Jayasinghe was arrested and detained in relation to his involvement in subversive activity.

Accordingly, the said persons conspired to fabricate evidence, which would explain as to why Rohitha Priyadarshana disappeared and justifying the arrest and detention of Ajith Jayasinghe.

- (ii) On or about the 25th of February 1990, a false confessional statement of a suspect named, Kaduruwahanage Jinadasa was recorded by ASP Raja Dias, at the instance of CI Ranjith Wickremasinghe and ASP Douglas Peiris. There is no reliable evidence to establish that, the aforementioned Jinadasa, in fact uttered the words stated in the confessional statement. This statement tends to implicate Sub-Inspectors Rohitha Priyadarshana and Ajith Jayasinghe, in having assisted the aforementioned Jinadasa in planning the attack on the Sapugaskanda Police Station. The aforementioned Confessional statement contains material contradictory to evidence obtained by the original investigators who inquired into the attack on the Sapugaskanda.
- (iii) This Commission is of the view that, there is adequate material, clearly indicative of the fact that, the aforementioned recording of the confessional statement of Jinadasa, was a well planned-out strategy to implicate Rohitha Priyadarshana and Ajith Jayasinghe. This Commission also totally disbelieves and rejects as false the said material which tends to implicate Sub-Inspectors Rohitha Priyadarshana and Ajith Jayasinghe.

(c) The establishment and maintenance of a places of detention at the Batalanda Housing Scheme of the State Fertilizer Manufacturing Corporation, and whether during the period commencing on the 1st of January 1988 and ending on the 31st of December 1999, any person or persons were detained at such place or places and, were subject to inhuman or degrading treatment or to treatment which constitute an offence under any writte law as a result of a conspiracy, and the person or persons directly or indirectly responsible for the same.

- (i) Commencing from 1986, at various stages, Mr. Ranil Wickremasinghe (a Cabinet Minister during the relevant period of time) has directed the relevant authorities of the State Fertilizer Manufacturing Corporation to allocate and release houses situated in the Batalanka Housing Scheme of the said Corporation, to Police Officers of the Kelaniya Police Division.
- (ii) More specifically, during the period 1st January 1988 to the 31st of December 1990, on the directions of Mr. Ranil Wickremasinghe, the Liquidator of the State Fertilizer Manufacturing Corporation Mr. Asoka Senanayake, has allocated and released approximately thirteen (13) houses of the aforementioned Batalanda Housing Scheme, to ASP Douglas Peiris (ASP-Operations of the Kelaniya Police Division). The said Mr. Douglas Peiris having received the said houses, allocated the same to Officers of the Kelaniya Police Division, more specifically to Officers of the Kelaniya Counter Subversive Unit (CSU). The said ASP Douglas Peiris has been responsible for having secured the aforementioned houses for the said Police Officers, through Mr. Ranil Wickremasinghe.
- (iii) The aforementioned obtaining of the houses for Police Officers, had been attended to by ASP Douglas Peiris, without any authority from the Police Department, and had been attended to contrary to accepted Police Departmental Procedures, as contained in the relevant Police Departmental Regulations. Accordingly, Mr. Douglas Peiris is responsible for having abused his authority in this regard.
- (iv) Mr. Ranil Wickremasinghe had abused his authority in his capacity as the Minister of Industries, in having directed the Liquidator of the State Fertilizer Manufacturing Corporation to release the aforementioned houses in the Batalanda Housing Scheme to Police Officers.
- (v) SSP Nalin Delgoda (the then Officer-in Charge of the Kelaniya Police Division) was aware from the commencement of the procurement of the Batalanda Houses for Police Officers, that the said houses were procured contrary to and in violation of Police Departmental Regulations. SSP Nalin Delgoda intentionally refrained from taking appropriate steps with regard to the said violation. SSP Nalin Delgoda is also responsible for not having enforced the relevant Police Departmental Regulations; in this regard.
- (vi) Police Officers of the Kelaniya Ploice Division listed below, accepted housing facilities in the Batalanda Housing Scheme, Knowing or having reasons to

believe that, the said housing facilities had been procured in contravention of the relevant Police Departmental Regulations.

- (a) SSP Nalin Delgoda
- (b) ASP Douglas Peiris
- (c) CI Ranjith Wickremasinghe
- (d) PC Ranatunge
- (e) PS Ratnayake
- (f) PC Sunil Perera
- (g) WPC Kanthi Fernando
- (h) PS Lakshman Dias
- (i) PC Heenbanda
- (j) IP Sudath Chandrasekera
- (k) CI W Mahanayake
- (l) ASP H. G. Wickremasinghe
- (m) ASP R. Dharmaratne
- (n) ASP H. Chandradasa
- (o) IP N. M. S. B. Nissanka

[There are reasons to believe that, certain other Police Officers of the Kelaniya Police Division too lived in the Batalanda Housing Scheme. However, in relation to those mentioned above there is clear and conclusive evidence that, they did receive houses in the Batalanda Housing Scheme.]

- (vii) Having assumed duties as the Deputy Inspector General of the Greater Colombo Range, DIG M. M. R. (Merril) Guneratne became aware that, Police Officers of the Kelaniya Police Division, were occupying Houses at the Batalanda Housing Scheme. DIG Guneratne knew or had reasonable grounds to believe that, the aforementioned houses had been procured contrary to Police Departmental Regulations. However, he refrained from giving appropriate instructions to SSP Nalin Delgoda and ASP Douglas Peiris to take necessary action in this regard. This failure on the part of DIG Guneratne, led to the continued occupation of the Batalanda Houses by the aforementioned Police Officers.
- (viii) SSP Nalin Delgoda has intentionally refrained from taking necessary steps to prevent Police Officers from using the houses of the Batalanda Housing Scheme for any illegal purpose.
- (ix) During the period 1st January 1988 to the 31st of December 1990, certain houses in the Batalanda Housing Scheme have been used to illegally detain and torture persons. There is conclusive evidence that, the following houses were used for this purpose.

*Position with regard to the houses
(based on official records)*

- (1) **B 2**
 - (a) from 1987 to May 1989 Vacant
 - (b) from May 1989 to August 1994 Office of Mr. Ranil Wickremasinghe

*Position with regard to the houses
(based on official records)*

- (2) **B 8** from 1988 to 1991
- Used by Security Officers assigned to ASP Douglas Peiris
- (3) **B 34** During the entire period relevant to the Commission, assigned to the Sapugaskanda Police Station
- (4) **A 1/8** Was not allocated to any particular Police Officer. However, it had been observed by the Liquidator of the Corporation that, Police Officers were having unauthorized access to.

(x) During the period 1st January 1988 to the 31st December 1990, the following Police Officers were directly responsible for having illegally detained and tortured persons in the houses referred to in the previous paragraph.

- (1) ASP Douglas Peiris
- (2) CI Ranjith Wickremasinghe
- (3) PS Ratnayake
- (4) PS Ranatunge
- (5) SI Delgahagoda
- (6) PS Upali Lakhewa
- (7) PCD Ranjith
- (8) PC Jayawardena
- (9) PC Heenbanda
- (10) PS Kappagoda
- (11) WPC Padmini Premalatha
- (12) PC Lakshman
- (13) IP Sunil Bandara Nissanka (Since deceased)

The illegal activities committed by the aforementioned Officers tantamount to the violation of articles 11, 13 (1) and 13 (2) of the Constitution of Sri Lanka.

During the period 1st January 1988 to the 31st of December 1990, certain discussions had been held in the Batalanda Housing Scheme, predominantly attended to by Police Officers. These meetings had not been recognized by the Police Department nor had they been arranged on directions of the Ministry of Defence. Some of the Senior Police Officers who attended these discussions were,

- (1) DIG M. M. R. (Merril) Guneratne
- (2) SSP Nalin Delgoda
- (3) ASP Douglas Peiris
- (4) ASP Raja Dias

These discussions were held in houses **B 2** (house assigned for Mr. Ranil Wickremasinghe, as his Office) and **A 2/2** (house assigned as Mr. Ranil Wickremasinghe's circuit Bungalow) The said discussions were chaired by Mr. Ranil Wickremasinghe. Mr. Ranil Wickremasinghe (who had summoned these meetings) had no authority in summoning these meetings. Mr. Ranil Wickremasinghe in having

summoned these meetings, has clearly abused his authority. Further, the aforementioned Police Officers in taking part in these meetings have, participated in an unauthorized activity.

- (xi) At the aforementioned unauthorized meetings, Mr. Ranil Wickremasinghe (who was then the Minister of Industries and Scientific Affairs) had given directions pertaining to the conduct of the Police relating to anti - subversive activity. This Commission holds that, Mr. Wickremasinghe had no legal authority to give such directions and that in that regard too, he has abused his authority. In the course of giving such directions, Mr. Wickremasinghe has interfered in the proper course of Police Duties and Law Enforcement.
- (xii) The aforementioned unauthorized meetings were inextricably interwoven with the maintenance of places of unlawful detention and torture chambers at the Batalanda Housing Scheme.
- (xiii) The directions given by Mr. Ranil Wickremasinghe to the Liquidator of the State Fertilizer Manufacturing Corporation to allocate and release houses at the Batalanda Housing Scheme, facilitated the establishment of places of unlawful detention in houses bearing numbers B2, B8 B34 and A 1/8.
- (xiv) Mr. Ranil Wickremasinghe and SSP Nalin Delgoda are indirectly responsible for the maintenance of places of unlawful detention and torture chambers in houses bearing numbers B 2, B 8, B 34 and A 1/8, at the Batalanda Housing Scheme.
- (xv) DIG M. M. R. (Merril) Guneratne, whilst knowing or having reasons to believe that the illegal activity referred to in the previous paragraph was taking place, refrained from taking appropriate, legitimate and necessary steps to, halt such illegal activity from continuing.
- (xvi) ASP Douglas Peiris and CI Ranjith Wickremasinghe were directly responsible for having established and maintained the aforementioned places of illegal detention and torture chambers at the Batalanda Housing Scheme. [It is to be noted that, most persons who were detained in the said places of unlawful detention, had been previously abducted by Police Officers attached to the Counter Subversive Unit of the Kelaniya CSU.]
- (xvii) The Counter Subversive Unit of the Kelaniya Police Division, during the period relevant to this Commission conducted most of it' s activities from the Batalanda Housing Scheme.
- (xviii) The then Inspector General of Police Ernest Perera Knew that the Counter Subversive Unit of Kelaniya operated from the Houses in the Batalanda Housing Scheme, which were not authorised places to conduct such activity. Having the said knowledge Mr. Ernest Perera refrained from taking appropriate and necessary steps in that regard.

Concluding Remarks

As stated in the introductory chapter, the period 1988 to 1990, was a period of terror. Whilst the Janatha Vimukthi Peramuna (JVP) indulged in grave acts of terror, it was countered by similar criminal activity by forces within and outside the then Government. The forces outside the Government (such as vigilante groups) which

countered the terrorism of the JVP, did so with the blessings of the Police and the Armed Forces. In certain instances, they acted in collusion with state forces such as the Police. There is adequate material to conclude that, the Government was concerned only in apprehending and eliminating subversives, and was not interested in how the said objectives were achieved. The counter strategies adopted by state forces, included extra judicial activities such as abduction and murder. The Government of the day, refrained from taking adequate steps to arrest extra judicial activities by State forces. Those who were accused of extra judicial activities were shielded by the Government. The then Inspector General of Police testified of an instance wherein the then Deputy Minister of Defence interfered in the normal course of the administration of Justice and the enforcement of the law. He stated that the said Minister prevailed upon the Police not to arrest a Senior Police Officer on whom a Magistrate had issued a Warrant of Arrest, for having been concerned in the Murder of Journalist Richard De Zoysa. This Commission came across another incident. The Attorney General indicted three Police Officers of having committed the murder of Attorney Wijayadasa Liyanaarachchi. This Commission is possessed with evidence that the Government paid the Defence Counsel's fees on behalf of these accused. These incidents clearly indicates the overall attitude of the then Government.

We wish to categorically state that, we do not in any way condone the terrorist activities perpetuated by members of the Janatha Vimukthi Peramuna and it's associated organizations such as the Deshappremi Janatha Vyaparaya (DJV). Whatever the causes may have been which motivated them to indulge in acts of terrorism, we cannot condone the modus-operandi adopted by the JVP in order to secure Political power during the period 1987 to 1990. As a result of terrorist activities of the JVP, hundreds of Politicians, Political Activists, Police Officers and civilians were murdered. Terrorist activities affected the normal functioning of State Organizations and in certain instances, essential services were crippled, thus causing immense hardships to the Public. Hence, the situation was in fact extra-ordinary. It nearly led to a State of anarchy.

However, whatever the situation was, a responsible Government has to react to any situation in accordance with the Rule of Law. Governance has to be in accordance with accepted and legally valid norms. Law enforcement has to be in accordance with the relevant laws. Hence, no amount of provocation by the JVP, should have given way for the Government of the day to authorize, and direct 'extra judicial' activity, as a form of reaction to the JVP. It is noted with regret that, the then Government had infact resorted to extra judicial methods to curb the spate of terrorism perpetuated by the JVP. The terrorism of the JVP was met with State Terrorism. In that process, not only were actual terrorists eliminated, but also a host of other innocent youth, who had not been responsible for any illegal activity, were either harmed or murdered. This period also witnessed Politicians of the ruling party getting actively involved in Police activities, and in certain instances even directing the Police. The 'Batalanda Affair' is one example for what happened during the afore-mentioned period.

It is hoped that, such an unfortunate and despicable episode will never occur in Sri Lanka.

CHAPTER X

Recommendation

(1) As explained in detail in the preceding chapters, one of the main reasons which led to the establishment and the maintenance of places of unlawful detention and torture chambers, was the manner in which Politicians of the then Government and Police Officers, conducted themselves in reaction to the Insurgency of 1987 to 1990. As mentioned earlier, whatever the degree of provocation be, there ought to be certain rules according to which a responsible Government and its agencies should react, even during a period of insurgency all actions should be in accordance with the Rule of Law. The Fundamental Rights of all citizens guaranteed in the Constitution have to be protected.

We recommend that Your Excellency be pleased to consider inviting Representatives of the People (such as Members of Parliament) to discuss these matters in detail, and propose a set of guide-lines, applicable to politicians and Law Enforcements Officers, in their conduct during extra-ordinary situations, where there is a serious threat to peace and public order. If necessary, suitable amendment, to existing Laws including the Constitution should be considered. In this process, it is recommended that, people and representatives of all social groups be given an opportunity to express their views.

It would be appropriate that, Representatives of the people consider developing and adopting a 'Code of Conduct' for themselves. In the event of a Representative of the people (such as a Member of Parliament or Member of a Provincial Council) being found guilty for having violated the afore-mentioned Code of Conduct, it is recommended that the other Members of the relevant forum be entitled to move for the impeachment of the guilty Member. Upon such impeachment, the relevant Member shall cease to be a Representative for a specific period.

(2) As stated in the preceding chapters, we have observed serious violations of Human Rights by both Senior Police Officers and a Politician of the then Government. Notwithstanding the jurisdiction vested in the Supreme Court, and the appropriate exercise of the said jurisdiction by the Court, we observe that, such violations have been repeated with impunity. One reason for the continued violation of Fundamental Rights by certain persons representing the Executive is that, their conduct is not that, reprimanded by immediate and appropriate sanctions. We recommend that Supreme Court be vested with suitable additional jurisdiction, to impose suitable sanctions in the form of 'deprivation of civic rights', on persons who are found to repeatedly violate basic Fundamental Rights of Citizens.

(3) We have observed in the course of this inquiry that, certain persons who came to know directly and indirectly of the establishment and the maintenance of places of unlawful detention and torture chambers at Batalanda, refrained from complaining

to the Police due to fear of harassment, and danger to their lives. Another reason was that, they had reasons to believe that no action would be taken to arrest the situation, since those who were responsible were also Police Officers. Hence, they did not expect a fair and impartial investigation.

We are of the opinion that, in instances such as this, it is appropriate to empower Judicial Officers (such as Magistrates) to cause necessary investigations and supervise the same, and forward the investigational findings to the Attorney General, for the consideration of the institution of criminal proceedings. Amongst other investigative powers, the relevant judicial authorities should be empowered to proceed to the relevant venue in which it is suspected that illegal activity is being perpetuated, and examine the same. In this regard, we recommend that, Your Excellency be pleased to appoint a Committee to consider formulating suitable amendments to the Code of Criminal Procedure Act, to implement the recommendations contained herein.

(4) In the course of the proceedings before this Commission, it transpired that, various Police Officers had committed serious offences, which included Abduction, Murder, Wrongful Confinement, Causing Grievous and Simple Hurt. We recommend that Your Excellency be pleased to direct the Inspector General of Police to cause comprehensive investigations into all complaints made to the Commission, with the view to instituting criminal proceedings in appropriate Courts of Law, against the relevant suspects. In this regard, Your Excellency may be pleased to forward to the Inspector General of Police the Report of this Commission, along with the proceedings, the Notes of Investigations and other material pertaining to the investigations conducted by the Police Officers attached to the Commission.

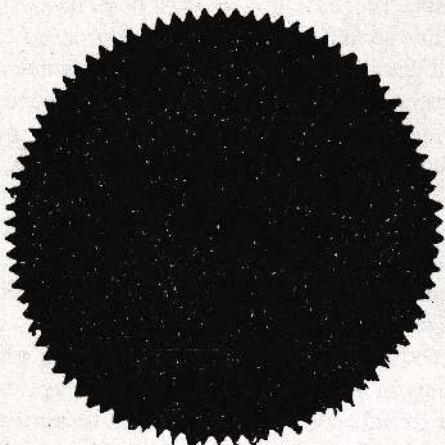
(5) We have listed out in the preceding chapter, serious disciplinary lapses and violations of Police Departmental Regulations by Police Officers. It is recommended that, Your Excellency be pleased to forward the Report of this Commission along with the proceedings to the relevant Disciplinary Authority and the Inspector General of Police, for the consideration of the institution of necessary disciplinary action against the relevant Police Officers.

Sgd. Justice D. Jayawickrama
(Chairman of the Commission)

Sgd. Hon. N. E. Dissanayake
(Commissioner)

ANNEX-A

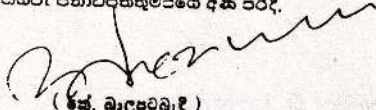
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20/1/2000

(393 වන අධිකාරය යු) පරිපතක් කොමිෂන් සභාව සහ 2 වන වගන්තියේ විධිවිධාන
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ප්‍රකාරව, 1995 සැප්තැම්බර් විසිසවන දින දරන සහ 1995 ඔක්තෝබර් 4 වන දින අංක 89:
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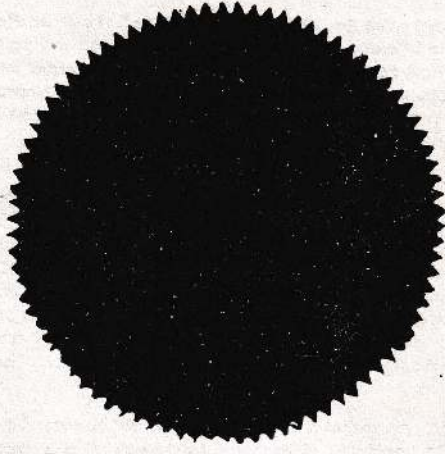
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2a/ [Signature]

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2. විනිශ්චයකට පත්වන බැවින් විවිධ වර්ගයේ වසංගත මාතෘකා වෙත.

අභ්‍යාසනය සපුරා ඇත.

මෙහි මින් එතු සඳහන් කර ඇත්තාට ද පරීක්ෂණයක් සැලැස්වීම මාගේ මතය අනුව මහජන සහපත පිණිස වින්තාදාන කාරණා සම්බන්ධයෙන් පරීක්ෂා කිරීමේ කාර්යය සඳහා පරීක්ෂණ කොමිෂන් සභාවක් පිහිටුවීම අවශ්‍ය බව මට පෙනී යන හෙයිනි:

ජනාධිපතිවරයා වින්දනා විනිශ්චයකට පත්වන බැවින් සමස්ත මාතෘකා වන මම මම බලකොටුවක් විවික්ෂණයකට, පාර්ලිමේන්තුව සාධකවනවාට පෙනෙමින් මගේ ධනාත්මක හා විශ්වාස කලමින් (193 වන අධිකාරය වන පරීක්ෂණ කොමිෂන් සභා පනතේ 2 වන වගන්තියේ විධිවිධාන අනුව වේ.

- 1. මහාධිකරණ විනිසුරු, ධර්මපිටි ජයවික්‍රම මැතිතුමා සහ
- 2. මහාධිකරණ විනිසුරු, නිමල් රවිච්චි දිසානායක මැතිතුමා

වග මඔබතුමන්.

- (අ) 1990 පෙබරවාරි මස 20 වන දින හෝ ඒ ආසන්නයේදී සඳුගස්සන්ද පොලීස් ස්ථානයේ උප පොලීස් පරීක්ෂක රෝහිත ප්‍රියදර්ශන අතුරුදහන්වීමට අදාළ අවස්ථානුගත කරුණු සහ ඒ අතුරුදහන්වීම ගැන කෙලින්ම හෝ අන්‍යාකාරයකින් වගකිවයුතු කැනැස්තා හෝ කැනැස්තන් සහ ඊට ආධාර, අනුබල දුන් කැනැස්තා හා කැනැස්තන්.
- (ආ) 1990 පෙබරවාරි මස 24 වන දින හෝ ඒ ආසන්නයේදී පැලියොට් පොලීස් ස්ථානයේ උප පොලීස් පරීක්ෂක අජිත් ජයසිංහ අත්අඩංගුවට ගැනීම සහ සඳුපි රඳවා තබා ගැනීමට අදාළ අවස්ථානුගත කරුණු සහ ඒ අත්අඩංගුවට ගැනීම සහ රඳවා තබා ගැනීම යැයි කෙලින්ම හෝ අන්‍යාකාරයකින් වගකිවයුතු කැනැස්තා හෝ කැනැස්තන් සහ එකී අත් අඩංගුවට ගැනීමට සහ රඳවා තබා ගැනීමට ආධාර හා අනුබල දුන් කැනැස්තන්.
- (ඇ) රාජ්‍ය පොහොර නිෂ්පාදන සංස්ථාවේ බටලුන්ද නිවාස යෝජනා ඉමුසේ යම් රඳවා තබා ගැනීමේ ස්ථානයක් හෝ ස්ථාන පිහිටුවා පවත්වාගෙන යාම සහ 1988 ජනවාරි මස 1 වන දිනෙන් ආරම්භවී 1990 දෙසැම්බර් මස 31 වන දිනයෙන් අවසාන කාල පරිච්ඡේදය ඇතුළත සම් කුමන්ත්‍රණයක ප්‍රතිඵලයක් වශයෙන් ඒ ස්ථානයේ හෝ ස්ථානවල සම් කැනැස්තතු හෝ කැනැස්තන් රඳවා තබා ගනු ලැබුවේද සහ වග සහ ඒ කැනැස්තා හෝ කැනැස්තන් අමාත්‍යවරයා සහ අවමන් සහගත පැලීසිලට් හෝ සම් ලිඛිත නීතියක් යටතේ වරදක් සාදුස්සන වග පැලීසිලට්ට යටත් කරනු ලැබුවේද යන වග සහ එහිලා කෙලින්ම හෝ අන්‍යාකාරයකින් වගකිවයුතු කැනැස්තා හෝ කැනැස්තන් සහ ඊට ආධාර සහ අනුබල දුන් කැනැස්තන්.
- (ඈ) ඉහත කී කරුණුවලින් යම් කරුණක් සම්බන්ධයෙන් යම් නිලධාරියෙකු විසින් පරීක්ෂණයක් හෝ විමර්ශනයක් පවත්වන ලද්දේද යන වග හෝ යම් කැනැස්තකු හෝ කැනැස්තන් ඒ පරීක්ෂණයට හෝ විමර්ශනයට අයුතු ලෙස මැදිහත් වූයේද යන වග සහ ඒ අයුතු ලෙස මැදිහත්වීමට වගකිවයුතු කැනැස්තා හෝ කැනැස්තන්.
- (ඉ) යම් ලිඛිත නීතියක් යටතේ යම් සාපරාධී වරදක් කිරීම සම්බන්ධයෙන් හෝ ඉහතකී යම් කාරණයක් අයුතු බලපෑම් කිරීම හෝ බලහලු අපරාධ ලෙස හෝ අනිසි ලෙස පාවිච්චි කිරීම සම්බන්ධයෙන් යම් නිලධාරියෙකු හෝ වෙනත් යම් කැනැස්තෙකු වගකිවයුතුද යන වග සම්බන්ධයෙන් පරීක්ෂා කොට වාර්තා කිරීම සඳහා ද හෝ වටිනාකමක් නිසමයක් යටතේ පරීක්ෂා කරනු ලැබූ යම් සාපරාධීවලින් යම් කැනැස්තකු සම්බන්ධයෙන් නිර්දේශ ඉදිරිපත් කිරීම සඳහා ද හෝ කොමසාරිස්වරයන් විසින් මෙයින් පත් කරමි.

කවද එකී ධර්මපිටි ජයවික්‍රම මැතිතුමා වග මඔබතුමා එකී කොමිෂන් සභාවේ සභාපතිවරයා ලෙස මම පස් කරමි.

- 3 -

තරිද ඉහත සඳහන් ආරණ්‍ය සම්බන්ධයෙන් අවශ්‍ය යයි ඔබතුමන්ලාට පෙනී යන සිදුරු පරීක්ෂණ පැවැත්වීමට ද සිදුරු විමර්ශන කීරීමට ද එකී කොමසාරිස්වරයන් වහන්සේ ඔබතුමන්ලාට මා මෙයින් බලය දී බලය පවරන අතර, ඔබතුමන්ලාගේ පරීක්ෂණ වලින් බොහෝ ගනු ලැබූ සැලැස්සු සහ ඔබතුමන්ලාගේ කීරදෙන දැක්වෙන වාර්තා හෝ අතුරු වාර්තා, ඔබතුමන්ලාගේ අත්සන් යටතේ මෙහි දී තිබී මාස තුනක් ඇතුළත මා වෙත ඉදිරිපත් කරන ලෙස මම මෙයින් ඔබතුමන්ලාට කීම මට හැරී.

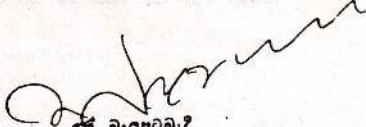
තරිද ඔබතුමන්ලාගේ අතිමහත අනුච්ඡාද, ඔබතුමන්ලා විසින් කීරණය කරනු ලබන පරිදි ඉහත සඳහන් ආරණ්‍යවලට අදාළ යම් පරීක්ෂණයක යම් කොටසක් පසිද්ධියේ කොපාවැස්විය යුතු යයි මම මෙයින් විධාන කරමි.

තරිද, ඔබතුමන්ලාගේ පරීක්ෂණවල හා විමර්ශනවල ආර්ය සඳහා, සහාය දෙන ලෙස හෝ තොරතුරු සපයන ලෙස ඔබතුමන්ලා විසින් ඉල්ලා සිටිනු ලබන සියළුම රජයේ කීරවරයන් හා වෙනත් සාකච්ඡාකරුවන් විසින් ඒ වෙනුවෙන් කිසි පරිදි දෙනු ලැබීම හැකි සහ සපයනු ලැබීම හැකි සිදුරු සහාය දිය යුතු බවටත්, සිදුරු තොරතුරු සැපයිය යුතු බවටත් මම මෙයින් සිදුරු රජයේ කීරවරයන්ට සහ වෙනත් සාකච්ඡාකරුවන්ට කීම මට හැරී.

තරිද ඉහත කී පරීක්ෂණ කොමිෂනි සභා පනතේ 14 වන වගන්තියේ විධිවිධාන, මෙ කොමිෂන් සභාවට අදාළ විය යුතු යයි මම මෙයින් ප්‍රකාශ කරමි.

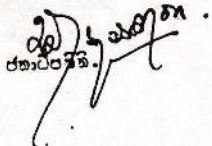
වර්ෂ එක්සත් තරිද සඳහන් වූ දෙපැමිබර මස 15 වන දින වූ මෙදින මු ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ මුද්‍රාව යටතේ කොළඹ දී දෙන ලදී.

අතිගරු ජනාධිපතිතුමාගේ අණ පරිදි,


මේ. බාලසම්බාදී
ජනාධිපති ලේකම්.

රහ. ක. අංක. එස්/6/එන්/206/35.

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් මෙවන් පැවරී ඇති වෙනම කීරවරයන්, කොමිෂන් සභාවේ අවසාන වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1996 ජූනි මාස දාහතර වැනි දින පෙර මම මෙයින් දිවිය යුතුයි.


ජනාධිපති.

1996 මැයි මා 13 වැනි දින,
කොළඹ, ජනාධිපති ලේකම් කාර්යාලයේ දී ය.

(අතින් පිට බලන්න)

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ජනා.නා.අංකය. එස්සී/6/එන්/206/95.

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔව්හු පැවරී ඇති බලතල ක්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1996 සැප්තැම්බර් මස දාහතර වැනි දින පෙර මෙයින් දිරිස කරමි.

රජාධිපති.

1996 මැයි මස 29 වැනි දින,
කොළඹ, ජනාධිපති ලේකම් කාර්යාලයේ දී ය.

ජනා.නා.අංකය. එස්සී/6/එන්/206/95.

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔව්හු පැවරී ඇති බලතල ක්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1996 දෙසැම්බර් මස දාහතර වැනි දින පෙර මෙයින් දිරිස කරමි.

රජාධිපති.

1996 සැප්තැම්බර් මස 10 වැනි දින,
කොළඹ, ජනාධිපති ලේකම් කාර්යාලයේ දී ය.

ජනා.නා.අංකය : එස්සී/6/එන්/206/95

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔව්හු පැවරී ඇති බලතල ක්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1997 පෙබරවාරි දාහතර වැනි දින පෙර මෙයින් දිරිස කරමි. -

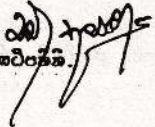
රජාධිපති.

1996 දෙසැම්බර් මස 14 වන දින,
කොළඹ 1, ජනාධිපති ලේකම් කාර්යාලයේ දී ය.

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ජන.ක.අංකය: එස්/6/එන්/206/95

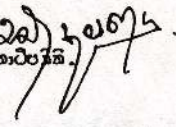
393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔබවෙත පැවරී ඇති මූලාශ්‍ර ප්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1997 ඔරැතු මස දහනහර වැනි දින තෙක් මම වෙතින් දීර්ඝ කරමි.


ජනාධිපති.

1997 පෙබරවාරි මස 13 වන දින,
කොළඹ 01, ජනාධිපති ජේතවන කාර්යාලයේ දී ය.

ජන.ක.අංකය. එස්/6/එන්/206/95

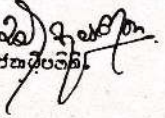
393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔබවෙත පැවරී ඇති මූලාශ්‍ර ප්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1997 මැයි මස 14 දින තෙක් මම වෙතින් දීර්ඝ කරමි.


ජනාධිපති.

1997 ඔරැතු මස 05 වන දින,
කොළඹ 01, ජනාධිපති ජේතවන කාර්යාලයේ දී ය.

ජන.ක.අංකය: එස්/6/එන්/206/95

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔබවෙත පැවරී ඇති මූලාශ්‍ර ප්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1997 ජූලි මස 14 දින තෙක් මම වෙතින් දීර්ඝ කරමි.


ජනාධිපති.

1997 මැයි මස 14 වන දින,
කොළඹ 01, ජනාධිපති ජේතවන කාර්යාලයේ දී ය.

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ජනා.සා.අංකය. එච්/6/එන්/206/95

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ආවේණ පැවරී ඇති බලතල ක්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ අවසාන වාර්ෂාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1997 සැප්තැම්බර් මස 14 වැනි දින තෙක්, මම මෙයින් දීර්ඝ කරමි.

(Handwritten signature)
ජනාධිපති.

1997 ජූලි 11 දින,
කොළඹ, ජනාධිපති ලේකම් කාර්යාලයේ දී ය.

ජනා.සා.අංකය. එච්/6/එන්/206/95

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ආවේණ පැවරී ඇති බලතල ක්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ අවසාන වාර්ෂාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1997 සැප්තැම්බර් මස 15 වැනි දින තෙක්, මම මෙයින් දීර්ඝ කරමි.

(Handwritten signature)
ජනාධිපති.

1997 සැප්තැම්බර් මස 12 දින,
කොළඹ, ජනාධිපති ලේකම් කාර්යාලයේ දී ය.

ජනා.සා.අංකය. එච්/6/එන්/206/95.

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ආවේණ පැවරී ඇති බලතල ක්‍රියාත්මක කරමින්, කොමිෂන් සභාවේ අවසාන වාර්ෂාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1997 දෙසැම්බර් මස 31 වැනි දින තෙක්, මම මෙයින් දීර්ඝ කරමි.

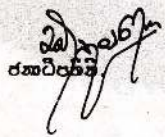
(Handwritten signature)
ජනාධිපති.

1997 නොවැම්බර් මස 13 දින,
කොළඹ, ජනාධිපති ලේකම් කාර්යාලයේ දී ය.

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ජන.නා. අංකය: එස්/6/එස්/206/95

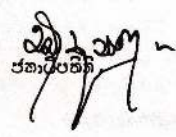
393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔබවෙත පැවරී ඇති බලතල ශ්‍රීයාත්මක කරමින්, කොමිෂන් සභාවේ අවසාන වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1998 ජනවාරි මස 31 දින තෙක්, එම වෙනස් දිරිස කරමි.


ජනාධිපති

1997 දෙසැම්බර් මස 31 දින,
කොළඹ 1,
ජනාධිපති ලේකම් කාර්යාලයේදී ය.

ජන.නා. අංකය. එස්/6/එස්/206/95.

393 වන අධිකාරය වූ පරීක්ෂණ කොමිෂන් සභා පනතේ 4 වන වගන්තියෙන් ඔබවෙත පැවරී ඇති බලතල ශ්‍රීයාත්මක කරමින්, කොමිෂන් සභාවේ අවසාන වාර්තාව ඉදිරිපත් කිරීම සඳහා වූ කාලය 1998 මාර්තු මස 26 දින තෙක්, එම වෙනස් දිරිස කරමි.

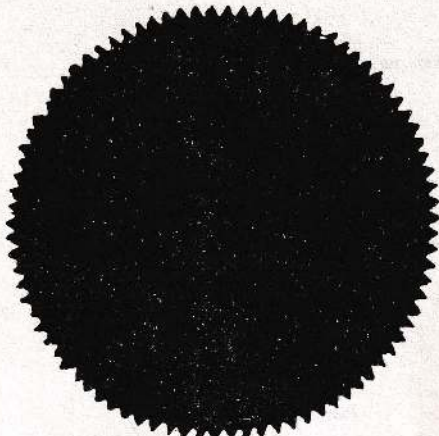

ජනාධිපති

1998 ජනවාරි මස 26 දින,
කොළඹ 01,
ජනාධිපති ලේකම් කාර්යාලයේදී ය.

ANNEX - A

இலங்கைக் கலநாயக சோசலிசக் குடியரசின்
 சனாதிபதி அபிபூத்சனம் சந்திரிகா பண்டாரநாயக்கா குமாரதங்கா
 அவர்களிடால்

159



(Handwritten signature)

1995 செப்டெம்பர் இருபத்தோராம் நாளெனத் தேதியிடப்பட்டதும், 1995 ஒக்டோபர் மாதம் 4 ஆந் திகதிய 891 ஆம் இலக்க அறிவிசேட சசெற்றில் வெளியிடப்பட்டதொழ ழுணைப்பக்கீரத்தின்கண் துறத்தகரைக்கப்பட்ட கமூங்கலைப்பற்றி விசாரணைசெய்து, தகவல்பெற்று, அறிக்கையொழ நோக்கத்தக்க காசு, (393 ஆம் அத்தியாயொழ) விசாரணை ஆணைக்குறுக்கண் சட்டத்தினி 2 ஆம் பிரிவின ஏற்பாட்டொழப் பின்பற்றி அதன்மூலம் விசாரணை ஆணைக்குறுவொழ்வ என்னொழ தாபிக்கப்பட்டதொழவொழ,

இப்பொழ, இலங்கைக் கலநாயக சோசலிசக் குடியரசின் சனாதிபதி சந்திரிகா பண்டாரநாயக்கா குமாரதங்கா ஆகிய நொழ மேற்கொழ்வப்பட்ட சட்டத்தினி ௨ ஆம் பிரிவினொழ எனக்குறித்தாக்கப்பட்ட தத்தவங்கணின் பயவைக் கொழ்து, 1995 செப்டெம்பொழ இருபத்தோராம் நாளெனத் தேதியிடப்பட்டதொழ 1995 ஆம் ஆழ்து ஒக்டோபர் மாதம் 4 ஆந் திகதிய 891 ஆம் இலக்க அறிவிசேட சசெற்றில் வெளியிடப்பட்டதொழ மேற்குறப்பட்ட ஆணைப்பக்கீரத்தை இத்தொழ ஒழிக்கின்றெழ.

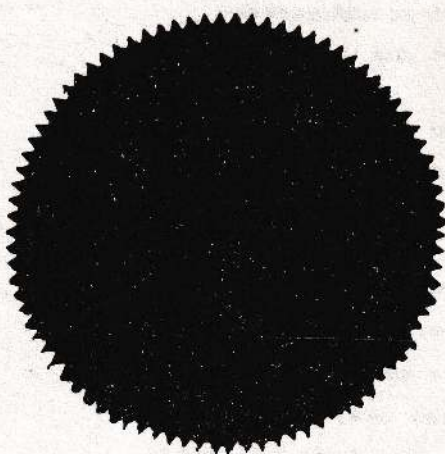
அபிபூத்சனமின் ஆணைப்பகு,
(Handwritten signature)
 தே. மொழவொழ
 சனாதிபதியினி செயலொழர்.

1995 டிசெம்பர் 15 ஆந் திகதி,
 கொழும்பு.

எண். பி. 5/73

ச.அ.இவ:எல்பி/6/எம்/206/95 160

பேரரசாங்க சமநாயக சோசலிசக் குடியரசின்
 சனாதிபதி அபிஷேகமராம் சந்திரிகா பட்டாரநாயக்கா குமாரலங்கா
 அவர்களிடால்



வி. குமாரலங்கா

1. மேல்குடி சபை தலைவர் தாமசுரி இயல்கிரம,
2. மேல்குடி சபை தலைவர் நிமல் எட்டவட்ட சிசாநாயக்கா
 அலியொடுக்கு,

வாழ்க்கைகள்;

எக்கமங்கள் தொடர்பில் விசாரணையொன்று எனது அபிப்பிராயப்படி
 பொதுமக்கள் அலக்காக இருக்கின்றதோ அக்கமங்களாக உள்ள
 இவ்வகத்தில் பின்னர் தீர்ப்பிடப்படும் கருமங்களிற்றறி விசாரணையெய்யும்
 நோக்கத்துக்காக விசாரணை ஆணைக்குறுவொன்றைத் தாபிப்பது அவசிய
 மாணவென எனக்குத் தெரிவிக்கின்றதாவதால்;

ஆகவே, இப்பொழுது சனாதிபதி சந்திரிகா பண்டாரநாயக்கா குமாரதஸ்கா ஆகிய நான், உங்களை விடுவதும், திறமை, நேர்மை என்பவற்றி மிக்க நம்பிக்கையும் உறுதியும்கொண்டு, (393 ஆம் அத்தியாயமாக) விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 2 ஆம் பிரிவில் ஏற்பாடுகளைப் பின்பற்றிச், சொல்லப்பட்ட -

1. மேல்நிமேற் நிபந்தி திருவாளர் தர்மசீறி ஜயலக்ஷ்மிரம்.
2. மேல்நிமேற் நிபந்தி திருவாளர் நிமல் எட்வர்ட் திசாநாயக்கா

ஆகிய தங்களைப் பின்பரும் கருமங்களிப்பற்றி விசாரணைசெய்த அறிக்கையிடுவதற்கு, எனது ஆணையாளர்களாக இருக்கும்படி இத்தாலி நியமிக்கிறேன். அதாவது -

(அ) 1990 பெப்புரவரி 20 ஆந் திகதியன்று அல்லது அத்தேசியளவில் சபுகல்கந்த பொலிஸ்நிலைய உதவிப் பரிசோதகர் ரோஉறிசு பிரியதர்உசு மறைந்தபோதகை தொடர்பான சந்தர்ப்ப சூழ்நிலைகளும் நேரடியாகவோ மறைமுகமாகவோ அத்தகைய மறைவுக்குப் பொறுப்பான ஆகும் அல்லது கூட்கும், அத்தற்கு ஒத்தாசையாகவும் உடந்தையாகவும் இருந்த ஆகும் அல்லது கூட்கும்;

(ஆ) 1990 பெப்புரவரி 24 ஆந் திகதியன்று அல்லது அத்தேசியளவில் பேலியாகொடை பொலிஸ்நிலைய உதவிப் பரிசோதகர் அஜித் ஜயசிங்க கைதுசெய்யப்பட்டமை அத்தொடல் அதனையடுத்த தடுப்புக் காவலில் வைக்கப்பட்டமை என்பன தொடர்பான சந்தர்ப்ப சூழ்நிலைகளும் நேரடியாகவோ அல்லது மறைமுகமாகவோ அவ்வாறு கைதுசெய்யப்படுவதற்கும் தடுப்புக்காவலில் வைக்கப் படுவதற்கும் பொறுப்பான ஆகும் அல்லது கூட்கும் சொல்லப் பட்ட அஜித் ஜயசிங்க கைதுசெய்யப்படுவதற்கும் தடுப்புக்காவலில் வைக்கப்படுவதற்கும் ஒத்தாசையாகவும் உடந்தையாகவும் இருந்த ஆகும்;

(இ) அரசு பசுவை உற்பத்திக் கூட்டுத்தொகையில் பட்டவந்த விடையைப் பற்றி திட்டத்தில் தடுத்தவைக்கும் இடமொன்றை அல்லது இடங்களைத் தாபித்துப் பேணாதலும் 1989 சனவரி 01 ஆந் திகதி தொடக்கம் 1990 திசம்பர் 31 ஆந் திகதியும் முடிவடையும் காலப்பகுதியின்போது உத்தேசம் இடத்தில் அல்லது இடங்களில் இடம்பெற்ற குறுக்கியில் விளைவாக உத்தேசம் இடத்தில் அல்லது இடங்களில் எவரேனும் ஆள் அல்லது ஆட்கள் மனோபிமானமற்ற முறையில் அல்லது இழிவாக நடாத்தப்படுவதற்கு அல்லது எழுத்திலான ஏதேனும் சட்டத்தில் கீழ் தவறொன்றாக அமையும் நடவடிக்கைக்கு உட்படுத்தப்பட்டாரா என்பதும், நேரடியாகவோ மறைக்கமாகவோ அவற்றிற்குப் பொறுப்பான ஆகும் அல்லது ஆட்களும்;

(ஈ) மேற்கூறப்பட்ட எவையேனும் விடயங்களைப்பற்றி எவரேனும் அல்லவரால் ஏதேனும் விசாரணை அல்லது புலனாய்வு நடாத்தப் பட்டதா என்பதும் உத்தேசம் விசாரணையில் அல்லது புலனாய்வில் எவரேனும் ஆள் அல்லது ஆட்கள் நேரடியாகவோ மறைக்கமாகவோ தலையிட்டாரா அல்லது தலையிட்டார்களா என்பதும் உத்தேசம் தலையிட்டுக்குப் பொறுப்பான ஆகும் அல்லது ஆட்களும்;

(உ) மேலேகூறப்பட்ட எவையேனும் விடயங்கள் தொடர்பில் எவரேனும் அல்லவரால் அல்லது வேறு எவரேனும் ஆள் எழுத்திலான ஏதேனும் சட்டத்தில் கீழ் ஏதேனும் குற்றவியல் தவறைப் புரிவதற்கு அல்லது தகாத செயலாக்கில் உபயோகத்திற்கு அல்லது தடுத்தல் தீர்வுகளைப் பார்ப்பிரயோகத்திற்குப் பொறுப்பாக இருந்தாரா என்பதும்,

இந்த ஆணைப்பத்திரத்தில் அடங்கியிருக்கின்ற எந்த விடயங்களைப்பற்றி விசாரணை செய்யப்பட்டுள்ளதோ அந்த விடயம் சம்பந்தமாக உத்தேசம் விடயப் பகுதிகளைச் செய்வதற்கும்.

அத்கடல் மேலும், மேலநீர்மலிற் றநீர்ப்பதி நீருவாளர் தர்மசீறி ஜயவிக்ரம சூரிய உங்களை சொல்லப்பட்ட ஆணைக்குமுவித் தவிசாவராக இருப்பதற்கு நியமிக்கின்றேன்.

அத்கடல் மேற்சொல்லப்பட்ட கருமங்களைப்பற்றி அவசியமானவையென உங்களுக்குத் தோஷமில்லாதவாறான அத்தகைய எல்லா விசாரணைகளையும் நடாத்தவதற்கும் வேறெல்லாப் புலனாய்வுகளையும் செய்வதற்கும் சொல்லப் பட்ட ஆணையாளர்களாகிய உங்களுக்கு இத்தால் அதிகாரமளித்தே தத்தவம் வழங்குகின்றேன்; அத்கடல் உங்கள் விசாரணைகளில் காண்புகளையும் உங்கள் விசாரணைகளையும் தடுக்கிற அத்தகைய உங்கள் கைப்பட்ட அறிக்கையொன்றை அல்லது இவடக்கால அறிக்கைகளை இடவகதிக்கின்ற தேதியிலிருந்து ஆறா மாதக் களுக்குள் எனக்கு அப்பி வைக்குமாறு உங்களை இத்தால் தேவைப்படுத்துகின்றேன்;

அத்கடல் மேற்கூறியிருள்ள கருமங்கள் தொடர்பில் பகிரங்கமாக நடாத்தப்படல் கூடாது என உங்கள் தற்புதியின்பேரில் நீங்கள் தீர்மானிக்கக் கூடியவாறான ஏதேனும் விசாரணையில் அத்தகைய பாகம் அவ்வாறு நடாத்தப் படுதல் கூடாது என நான் இத்தால் பணிக்கின்றேன்;

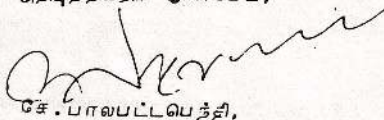
அத்கடல் உங்கள் விசாரணைகளிலும் புலனாய்வுகளிலும் நோக்கிக்கொடுக்காக எந்தப் பகிரங்க அலுவலர்களிடமும் வேறெந்த கூட்களிடமும் நீங்கள் உதவி அல்லது தகவல் கொடுக்கிறீர்களோ அந்தப் பகிரங்க அலுவலர்கள் மற்றும் வேறு கூட்கள் அவைவரையும் அதன் சார்பில் முறையாக அறிக்கப்படக்கூடியனவும் கொடுக்கத்தவப்படக்கூடியவமான அத்தகைய எல்லா உதவிகளையும் அளிக்குமாறும் அத்தகைய எல்லாத் தகவல்களையும் கொடுக்கத்தவமானும் இத்தால் நான் தேவைப்படுத்திப் பணிக்கின்றேன்.

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அத்தடன் மேற்சொல்லப்பட்ட விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 14 ஆம் பிரிவில் ஏற்பாடுகள் ஆணைக்குழுவுக்கு ஏற்புடைத்தாதல் வேண்டுமென நான் இத்தால் வெளிப்படுத்துகின்றேன்;

இலங்கைச் சமநாயக சோசலிசக் குடியரசின் இலச்சினையில் ௨) ஆயிரத்தித்தொளாயிரத்தித் தொண்ணூற்றத்தந்தாம் ஆண்டு திசம்பர் மாதம் பதினைந்தாம் நாளாகிய இம்முகொழும்பில் அளிக்கப்பட்டது.

அதியுத்தமரின் ஆணைப்படி,

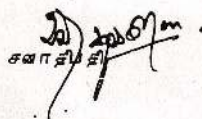


சே.பாலபட்டபெத்தி,

சனாதிபதியின் செயலாளர்.

ச. அ. இல. எஸ்பி/6/என்/206/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 4 ஆம் பிரிவினால் எனக்குறித்தாக்கப்பட்டுள்ள தத்துவங்களைப் பிரயோகித்த, ஆணைக்குழுவின் இறுதி அறிக்கையைச் சமர்ப்பிப்பதற்கான காவத்தை 1996 யின் மாதம் பதினாங்காம் திசம்பரை இத்தால் நடைக்கின்றேன்.



சனாதிபதி செயலகம்,

கொழும்பு,

1996 மார்ச்சு மாதம் 13 ஆம் திகதி.

ச. அ. இல.: எஸ்பி/6/என்/206/95

393 ஆம் ஆத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 4 ஆம் பிரிவினால் எனக்குறித்தாக்கப்பட்டுள்ள தத்தவங்களைப் பிரயோகிக்க, ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1996 செப்டெம்பர் மாதம் பதினான்காம் திகதிவரை இத்தால் நீடிக்கின்றேன்.

சனாதிபதி

சனாதிபதி செயலகம்,

கொழும்பு,

1996 மே மாதம் 29 ஆம் திகதி.

ச. அ. இல.: எஸ்பி/6/என்/206/95

393 ஆத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 4 ஆம் பிரிவினால் எனக்குறித்தாக்கப்பட்டுள்ள தத்தவங்களைப் பிரயோகிக்க, ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1996 செப்டெம்பர் மாதம் பதினான்காம் திகதிவரை இத்தால் நீடிக்கின்றேன்.

சனாதிபதி

சனாதிபதி செயலகம்,

கொழும்பு,

1996 செப்டெம்பர் மாதம் 10 ஆம் திகதி.

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ச.அ. இல:என்பி/6/எக்/206/95

393 அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 4 ஆம் பிரிவினாள் எனக்கு உரித்தாக்கப்பட்டிருக்கின்ற தத்துவங்களைப் பிர்யோகித்த, ஆணைக்குழுவினரின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1997 பெப்ரவரியில் பதிவ்தாக்காளர் திகழ்வரை இத்தால் நீடிக்கின்றேன்.

சனாதிபதி செயலகம்
கொழும்பு.

1996 திசம்பர் 14 ஆம் திகதி.

சனாதிபதி

ச.அ. இல:என்பி/6/எக்/206/95

393 அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 4 ஆம் பிரிவினாள் எனக்கு உரித்தாக்கப்பட்டிருக்கின்ற தத்துவங்களைப் பிர்யோகித்த, ஆணைக்குழுவினரின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1997 மார்ச்சு பதிவ்தாக்காளர் திகழ்வரை இத்தால் நீடிக்கின்றேன்.

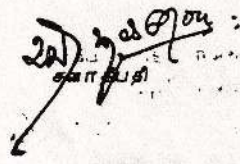
சனாதிபதி செயலகம்
கொழும்பு.

1997 பெப்ரவரியில் 13 ஆம் திகதி.

சனாதிபதி

ச.அ.இல. எல்பி/6/எல்/204/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின்
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ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1997 மே
மாதம் 14 ஆம் திகதி ஆம் இத்தால் நீடிக்கின்றேன்.

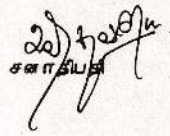

சனாதிபதி

சனாதிபதி செயலகம்,
கொழும்பு.

1997 மார்ச்சு 05 ஆம் திகதி.

ச.அ.இல. எல்பி/6/எல்/206/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின்
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மாதம் 14 ஆம் திகதி வரை இத்தால் நீடிக்கின்றேன்.


சனாதிபதி

சனாதிபதி செயலகம்,

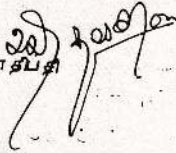
கொழும்பு 1,

1997 மே 14 ஆம் திகதி

ச. அ. இல. எஸ்பி/6/என்/206/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 04 ஆம் பிரிவினால் எனக்குறித்தாக்கப்பட்டுள்ள தத்துவங்களைப் பிரயோகித்து, ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1997 செப்டெம்பர் மாதம் 14 ஆம் திகதிவரை இத்தால் நீடிக்கின்றேன்.

சனாதிபதி




சனாதிபதி செயலகம்,
கொழும்பு 1,

1997 யூலை 11 ஆம் திகதி.

ச. அ. இல. எஸ்பி/6/என்/206/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 04 ஆம் பிரிவினால் எனக்குறித்தாக்கப்பட்டுள்ள தத்துவங்களைப் பிரயோகித்து, ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1997 நவம்பர் மாதம் 15 ஆம் திகதிவரை இத்தால் நீடிக்கின்றேன்.

சனாதிபதி

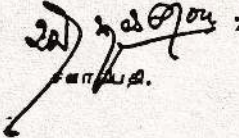


சனாதிபதி செயலகம்,
கொழும்பு 1,

1997 செப்டெம்பர் மாதம் 12 ஆம் திகதி.

ச. அ. இல : எஸ்பி/6/எச்/206/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின்
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ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தினை 1997 திசம்பர்
31 ஆம் திகதி வரை இத்தால் நீடிக்கின்றேன்.

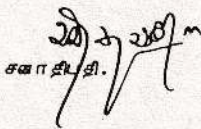

சனாதிபதி.

சனாதிபதி செயலகம்,
கொழும்பு -1

1997 நவம்பர் 13 ஆம் திகதி.

ச. அ. இல : எஸ்பி/6/எச்/206/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின்
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ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தினை 1998
சனவரி மாதம் 31 ஆம் திகதி வரை இத்தால் நீடிக்கின்றேன்.


சனாதிபதி.

சனாதிபதி செயலகம்,
கொழும்பு -01

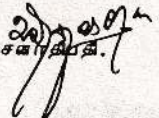
1997 திசம்பர் 31 ஆம் திகதி.

- 8 -

ச.அ.இல:எஃபி/6/எஃ/206/95

393 ஆம் அத்தியாயமான விசாரணை ஆணைக்குழுக்கள் சட்டத்தின் 04 ஆம் பிரிவினால் எனக்குறித்தாக்கப்பட்டுள்ள தத்துவங்களைப் பிடியாகித்த ஆணைக்குழுவின் அறிக்கையைச் சமர்ப்பிப்பதற்கான காலத்தை 1998 மார்ச்சு 26 ஆம் திகதி வரை இத்தால் நீடிக்கின்றேன்.

*:


சனாதிபதி.

சனாதிபதி செயலகம்,

கொழும்பு -01.

1998 சனவரி மாதம் 29 ஆம் திகதி.

ANNEX-A

L.D.B. 5/78

PS NO. SP/6/N/206/95

BY HER EXCELLENCY
CHANDRIKA BANDARANAIKE KUMARATUNGA,
PRESIDENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF
SRI LANKA.



Handwritten signature

To:

1. Dharmasiri Jayawickreme Esqr - Judge of the High Court;
2. Nimal Edward Dissanayake Esqr - Judge of the High Court.

GREETINGS

WHEREAS it appears to me to be necessary to establish a Commission of Inquiry for the purpose of inquiring into the matters hereinafter mentioned, being matters in respect of which an inquiry will, in my opinion, be in the public interest :

NOW THEREFORE, I, CHANDRIKA BANDARANAIKE KUMARATUNGA, President reposing great trust and confidence in your prudence, ability and fidelity, do, in pursuance of the provisions of section 2 of the Commissions of Inquiry Act, (Cap.393) by these presents appoint you, the said

- 1.High Court Judge, Dharmasiri Jayawickrame Esqr.,
- 2.High Court Judge, Nimal Edward Dissanayake Esqr.,

to be my Commissioners to inquire and report on the following matters : -

- (a) the circumstances relating to the disappearance of Sub Inspector Rohitha Priyadarshana of the Sapugaskanda Police Station on or about February 20, 1990 and the person or persons directly or indirectly responsible for such disappearance and the person or persons who aided and abetted the same;

- (b) the circumstances relating to the arrest and subsequent detention of Sub Inspector Ajith Jayasinghe of the Peliyagoda Police Station on or about February 24, 1990 and the person or persons directly or indirectly responsible for such arrest and detention and the persons who aided and abetted in arresting and detaining the said Ajith Jayasinghe;
- (c) the establishment and maintenance of a place or places of detention at the Batalanda Housing Scheme of the State Fertilizer Manufacturing Corporation and whether, during the period commencing on the 1st of January 1988 and ending on the 31st of December 1990 any person or persons were detained at such place or places and were subject to inhuman or degrading treatment or to treatment which constitute an offence under any written law as a result of a conspiracy and the person or persons directly or indirectly responsible for the same;
- (d) whether any inquiry or probe into any of the aforesaid matters had been conducted by any officer and whether any person or persons directly or indirectly interfered in such inquiry or probe and the person or persons responsible for such interference;
- (e) whether any officer or any other person was responsible for the commission of any criminal offence under any written law or the use of undue influence or misuse or abuse of power in relation to any of the aforesaid matters,

and to make such recommendation with reference to any of the matters that have been inquired into under the terms of this Warrant.

AND I do hereby appoint you, **Dharmasiri Jayawickreme Esqr** to be the **Chairman of** the said Commission;

AND I do hereby authorize and empower you, the said Commissioners, to hold all such inquiries and make all other investigations, into the aforesaid matters as may appear to you to be necessary, and require you to transmit to me within three months from the date hereof, a report or interim reports thereon under your hands, setting out the findings of your inquiries, and your recommendations;

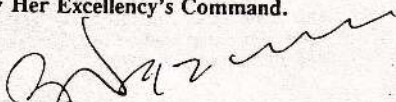
AND I do hereby direct that such part of any inquiry relating to the aforesaid matters, as you may in your discretion determine, shall not be held in public;

AND I do hereby require and direct all Public Officers, and other persons to whom you may apply for assistance or information for the purposes of your inquiries and investigations to render all such assistance and furnish all such information as may be properly rendered and furnished in that behalf;

AND I do hereby declare that the provisions of section 14 of the aforesaid Commissions of Inquiry Act, shall apply to the Commission :

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka this 15th of December One Thousand Nine Hundred and Ninety Five.

By Her Excellency's Command.



K. Balapatabendi

Secretary to the President.

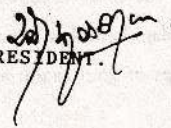
/ / 3

P.O. No. SP/5/N/206/95

In the exercise of powers vested in me by section 4 of the Commission of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the Final Report of the Commission until 14th day of June, 1996.

Presidential Secretariat,
Colombo 01.

13 March, 1996.

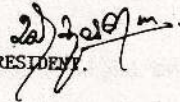

PRESIDENT.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commission of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the Report of the Commission until 14th day of September, 1996.

Presidential Secretariat,
Colombo 01.

29 May, 1996.

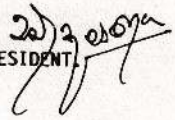

PRESIDENT.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commission of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the Report of the Commission until 14th day of December, 1996.


Presidential Secretariat,
Colombo 01.

10 September, 1996.


PRESIDENT.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commission of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the Report of the Commission until 14th day of February, 1997.


PRESIDENT.

Presidential Secretariat,
Colombo 01.
14th December, 1996.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commissions of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the report of the Commission until 14th day of March, 1997.


PRESIDENT.

Presidential Secretariat
Colombo 1
13th February, 1997.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commissions of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the report of the Commission until 14th day of May, 1997.


PRESIDENT.

Presidential Secretariat,
Colombo 1
5th March, 1997.

172

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commissions of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the Report of the Commission until 14th day of July, 1997.


 PRESIDENT

Presidential Secretariat,
Colombo 01.

14th May, 1997.

P.O. No. SP/6/N/205/95

In the exercise of powers vested in me by section 4 of the Commissions of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the report of the Commission until 14th day of September, 1997.

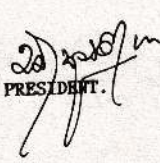

 PRESIDENT.

Presidential Secretariat,
Colombo 01.

11th July, 1997.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commissions of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the report of the Commission until 15th day of November, 1997.

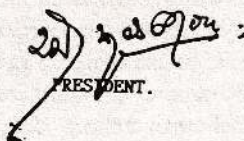

 PRESIDENT.

Presidential Secretariat,
Colombo 01.

12th September, 1997.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by section 4 of the Commissions of Inquiry Act, Chapter 393. I do hereby enlarge the time for the rendering of the report of the Commission until 31st day of December, 1997.

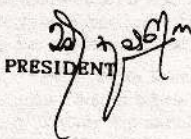

PRESIDENT.

Presidential Secretariat,
Colombo 01.

13th November, 1997.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by Section 4 of the Commissions of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the report of the Commission until 31st day of January 1998.

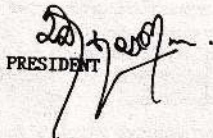

PRESIDENT

Presidential Secretariat
Colombo 01

31st December, 1997.

P.O. No. SP/6/N/206/95

In the exercise of powers vested in me by Section 4 of the Commissions of Inquiry Act, Chapter 393, I do hereby enlarge the time for the rendering of the report of the Commission until 26th day of March 1998.


PRESIDENT

Presidential Secretariat
Colombo 1.

29th January, 1998.

ANNEX B

දිනමස වසර 1986 කවුළු පනවන 12 වැනිද සිසුන්

පුද්ගලයන් අතුරුදහන්වීම හා නියමිතවීම
අත් අධිකාරවට ගැනීම සහ රැදවීම සඳහා,
බවලන්ද නීතිය යෝජනා ක්‍රමයේ
පවත්වාගෙනයාම සම්බන්ධයෙන්
පරීක්ෂා කිරීම සඳහා අතිගරු ජනාධිපතිතුමා
විසින් 1948 අංක 17 දරණ පරීක්ෂණ
කොමිෂන් සභා පනතේ 2 වන වගන්තිය
ප්‍රකාරව පත්කරන ලද
පරීක්ෂණ කොමිෂන් සභාව

පහත දැක්වෙන කරුණු සම්බන්ධයෙන් මතස්ථතාවයෙන් තොරව
ලබාගැනීමට නොමිලයෙන් සහතිකයක් සිටී :-

- (1) 1990 නොවැම්බර් මස 20 වන දින හෝ ඒ අතරින් කෙටි කල-
සටහන්ද නොලිය පවත්වාගෙන යාම සඳහා ලබාදෙන පරීක්ෂණ
සභා සඳහා ප්‍රියදර්ශන අතුරුදහන්වීමට දෙල අවස්ථානුගත
කරුණු සහ ඊට වගකිවයුතු පැනැස්සා හෝ පැනැස්සුන්.
- (2) 1990 නොවැම්බර් මස 24 වන දින හෝ ඒ අතරින් කෙටි කල-
පසුව නොලිය පවත්වාගෙන යාම සඳහා ලබාදෙන පරීක්ෂණ
සභා සඳහා අත් අධිකාරවට ගැනීම සහ අනතුරුව රඳවා
ගෙන ගැනීම පිළිබඳ අවස්ථානුගත කරුණු සහ ඊට වගකි-
වයුතු පැනැස්සා හෝ පැනැස්සුන්.
- (3) ජාතික නොමිල නිෂ්පාදන සංස්ථාවේ බවලන්ද නීතිය
සම්බන්ධ ක්‍රමයේ නිත්‍යානුකූල නොවූ රඳවා ගනු ගැනීමේ
පවත්වාගෙන යාම පිළිබඳව පවත්වාගෙන යාම සහ 1988 ජනවාරි
මස 1 වන දිනෙන් පසුව 1990 දෙසැම්බර් මස 31 වන
දිනයක් වනතුටු කල පරිදි රඳවා ගැනීම. එම පවත්වාගෙන
යාම සම්බන්ධ රඳවා ගනු ගැනීම පිළිබඳ පැනැස්සුන්. අනු-
ක්‍රමයෙන් පවත්වාගෙන යාම සඳහා ලියවීමේ කාර්යයන්
සම්බන්ධ පිරිසිදු කළ යුතු වන පැනැස්සුන්ට යටත් කරනු
ලැබුණු ද සහ එසේ නම් ඊට වගකිව යුතු පැනැස්සා හෝ
පැනැස්සුන්.
- (4) අපරාධ අවස්ථානුගත කරුණු සම්බන්ධයෙන් කෙලින්ම
හෝ සාක්ෂිකාරකයන් වශයෙන් පුද්ගල පැනැස්සුන්. සහ ඒ
සම්බන්ධයෙන් විමර්ශනයක් පැවැත්වීමේ නම්, ඊට අදාළ
අලංකාර කිරීමේ පිරිසිදු කළ යුතු වන පැනැස්සුන් සහ
සහ ඊට පිරිසිදු කළ යුතු.

මීට දෙද මසද තොරතුරු ලිපිනයට ඉදිරිපත් කළයුතු අතර, තො-
රතුරු සටහන්කර ගනු ලබන ලිපිනය පැනැස්සුන්ට සඳහන් කළ යුතුය.
සම්බන්ධයෙන් පවත්වාගෙන යාම කෙරුණු කිරීමට අනුමැතිය සහ, ඒ
බවට දැනගත් කළ යුතුය.

සියලු තොරතුරු පහත ලිපිනයට එවිය යුතුය :-
ජනරජ ආණ්ඩුව
කොළඹ
පුද්ගලයන් අතුරුදහන්වීම හා නියමිතවීම
අත් අධිකාරවට ගැනීම සහ රැදවීම සඳහා
බවලන්ද නීතිය යෝජනා ක්‍රමයේ පවත්වාගෙනයාම
සම්බන්ධයෙන් පරීක්ෂා කිරීම සඳහා වූ
පරීක්ෂණ කොමිෂන් සභාව,
කමර් අංක 301,
3 වන මහල.

Annex B
 3550.57 - 1976.01.12

**சட்டவிரோதமாக கைதுசெய்யப்பட்ட பட்டியல் உள்ள
 திட்டத்தில் சட்டவிரோதமான தடுப்பு கண்காட்சிகள்
 நடந்தபிறகுதான் என்பவற்றை விசாரணை செய்வதற்கு
 1948ஆம் ஆண்டின் 17ஆம் இலக்க விசாரணைகள்
 சீரமைக்கும் சட்டத்தின் 2ஆம் பிரிவைப் பின்பற்றி சரி
 உத்தரவும் சனாதிபதியால் நியமிக்கப்பட்ட விசாரணை
 ஆணைக்குழு**

ஆணைக்குழு பின்வருவன தொடர்பில் பொதுமக்களிடமிருந்து
 தகவல் பெற்றுக்கொள்வதில் ஆர்வப்படுகின்றனது-

- (1) 1990 பெப்ரவரி 30ஆம் திகதி அல்லது அத்தேதியளவில் சம்ப
 வந்த பொலீஸ் தலைவர்தலைச் சேர்ந்த உதவிப் பரிசீலனா
 சேர்த்த பிரிவுகளை அணாமற்போனமை தொடர்பான குழ
 நினைவுகள். அத்துடன் அத்தகுப் பொறுப்பாள ஆளும் அவ்வது
 ஆட்சையும்.
- (2) 1990 பெப்ரவரி 31ஆம் திகதி அல்லது அத்தேதியளவில்
 பெய்கொண்ட பொலீஸ் தலைவர்தலைச் சேர்ந்த உதவிப் பரி
 சீலனா அறித் துபிசை வை செய்ப்பட்டமை, அத்துடன்
 அத்தகைய தடுப்புகளைக்கூட்டமை என்பன தொடர்பான
 குழினைவுகள். அத்துடன் அத்தகுப் பொறுப்பாள ஆளும் அவ்
 வது ஆட்சையும்.
- (3) அரசு பண உற்பத்தி உட்குறையளத்தின் பல்வத வீடமைப்புத்
 திட்டத்தில் சட்டவிரோதமான தடுப்பு இடமொன்று தாபிக்கப்
 பட்டமை, பெண்பட்டமை அத்துடன் 1988 சனவரி 1ஆம் திகதி
 தொடங்கி 1990 திசம்பர் 31ஆம் திகதியன்று முடிவடையும்
 காலப்பகுதிக்குள் அத்தகைய இடத்தில் அவ்வது இடங்களில்
 தடுப்புகளைக்கூட்ட ஆட்கள் மனிதாபிமானமற்ற அவ்வது சீர்த
 தான நடத்தை அவ்வது எழுத்திலாவது ஏதேனும் சட்டத்
 தீர்ச்சி தவறொன்றை அமையும் நடத்தைக்கு உட்படுத்தப்பட்ட
 னா என்பதும் அத்துடன் அத்தகுப் பொறுப்பாள ஆளும் அவ்
 வது ஆட்சையும்.
- (4) மேற்கூறப்பட்ட விவகாரங்களுக்கு நேரடியாகவோ அவ்வது மறை
 முகமாகவோ பொறுப்பாளிருந்த ஆட்சையும் அத்துடன் அத்தகைய
 விவகாரங்களைவிட்டு தடுத்தபட்ட ஏதேனும் விசாரணை அவ்வது
 புவனாயு தொடர்பில் முறையற்ற தகவலிடு ஏதுவும் இடம்
 பெற்றதா என்பதும் அத்துடன் அத்தகைய தகவலிடு தருப
 பொறுப்பாளிருந்த ஆட்சையும் அத்தகைய தகவலிடு தர்வையும்.

மேற்கூறப்பட்ட விவகாரம் தொடர்பான எவ்வாத தகவல்களும்
 எழுத்திற் முகவரிக்கூட்டு அனுப்பப்படலாம் என்பதுடன் அத்தகைய
 தகவல் தருவாரிற் பெயரும், முகவரியும் தெரிவாகக் குறிப்பிடப்படவும்
 வேண்டும்.

தமது ஆணையாளர்தலை வெளியீட விரும்பாத ஆளொன்றும்
 அவ்வாறு வேண்டுமாள் விடுக்கலாம்.

எவ்வாத தகவல் தொடர்புக்கும் பின்வருமாறு முகவரிக்கூட்டுத்
 வேண்டும் -

எம். சி. குணசுந்தர
 செயலாளர்,
 குறித்தவை ஆட்கள் அணாமற்போனமை, ஆட்கள் சட்டவிரோத
 மாகக் கைதுசெய்யப்பட்ட, பல்வத வீடமைப்புத் திட்டத்தில்
 சட்டவிரோதமான தடுப்புகளையிடிகள் நடாத்தப்படுதல் பரப
 வற்ற விசாரணை செய்வதற்கான சனாதிபதி விசாரணை
 ஆணைக்குழு.

கட்டம் இல. 301,
 2ஆம் மாடி,
 மியூன் திமிசுநாக் கட்டிடத் தொகுதி,
 கோழம்பு-11,
 அவ்வது
 மேல் திமிசுநாகம் இல. 1,
 கோழம்பு-11.

ANNEX B

DAILY NEWS - 13.01.1996

**COMMISSION OF INQUIRY
 INTO THE DISAPPEARANCE
 OF CERTAIN PERSONS,
 UNLAWFUL ARREST OF
 PERSONS AND THE
 OPERATION OF ILLEGAL
 DETENTION PLACES AT
 THE BATALANDA HOUSING
 SCHEME APPOINTED BY
 HER EXCELLENCY THE
 PRESIDENT IN PURSUANCE
 OF THE PROVISIONS OF
 SECTION 2 OF THE
 COMMISSION OF INQUIRY
 ACT NO. 17 OF 1948**

The Commission will be pleased to receive information from the public in respect of the following:

- (1) the circumstances relating to disappearance of Sub Inspector, Rothitha Priyadharshana of Sapugaskanda Police Station on or about February 20, 1990, and the person or persons responsible for the same;
- (2) the circumstances relating to the arrest and subsequent detention of Sub Inspector Ajith Jayasinghe of the Peeliyagoda Police Station on or about February 24, 1990, and the person or persons responsible for the same;
- (3) the establishment and maintenance of an illegal detention place at the Batalanda Housing Scheme of the State Fertilizer Manufacturing Corporation, and whether during the period commencing on January 1, 1988 and ending on December 31, 1990, persons were detained in such place or places and were subject to inhuman or degrading treatment or to treatment which constitutes an offence under any written law, and the person or persons responsible for the same;
- (4) persons directly or indirectly responsible for the aforesaid matters and whether any undue interference took place with regard to any inquiry or probe held into those matters and the persons responsible for such interference and the nature of such interference.

All information relating to the aforesaid matters may be addressed in writing and should clearly state the name and address of such informant.

Any person who does not wish to disclose his or her identity may so request.

All communications should be addressed to:

S.T. Gunawardena
 Secretary,
 Presidential Commission of Inquiry into
 the Disappearance of Certain Persons,
 Unlawful arrest of Persons and the
 Operation of an Illegal Detention Place at
 the Batalanda Housing Scheme,
 Room No. 301,
 2nd Floor,
 Superior Courts Complex,
 Colombo 10.

Annex C

Counsel who appeared for the Witnesses

1. CI Ranjith Wickremasinghe — Mr. Neville Abeyratne,
Attorney-at-Law
Mr. Upul Deshapriya,
Attorney-at-Law

Mr. Saman Widyaratne,
Attorney-at-Law
2. ASP Douglas Peiris — Mr. Nalin Ladduwahetty,
Attorney-at-Law
Mr. U. L. G. Bandara,
Attorney-at-Law
3. DIG M. M. R. (Merril) Guneratne — Mr. Mohan Peiris,
Attorney-at-Law
Mr. Shanaka Ranasinghe,
Attorney-at-Law
4. Mr. Ranil Wickremasinghe — Mr. Tilak Marapone,
President's Counsel
Mr. Nalin Ladduwahetty,
Attorney-at-Law
5. Mr. John Amaratunge — Mr. Dulindra Weerasuriya,
Attorney-at-Law
6. Mr. Joseph Michiel Perera — Mr. Dulindra Weerasuriya,
Attorney-at-Law
7. Mr. Anil Gunewardena — Mr. Neville Abeyratne,
Attorney-at-Law

Investigation Teams

Members of the Special Investigation Unit

DIG S. C. Pathirana (Unit Head)

- | | |
|----------|-----------------------|
| 1. IP | P. A. Premashantha |
| 2. IP | G. M. Wijeratne |
| 3. SI | R. M. V. Pushpakumara |
| 4. PS | P. R. Gunasekera |
| 5. PS | H. D. J. Jayathileka |
| 6. PC | T. Kumaraperuma |
| 7. PC | C. A. Dissanayake |
| 8. PC | R. G. Ratnayake |
| 9. PSD | M. B. Karunaratne |
| 10. PCD | D. M. Wimalaratne |
| 11. RWPC | G. P. Suneetha |

Office Labourers attached to the Investigation Office

1. B. V. Siripala
2. J. P. K. Perera

Officers of the Criminal Investigations Department assigned to the Commission

DIG T. V. Sumanasekera (Team Leader)

1. SP H.H. M. R. Premaratne
2. CI R. L. Chandrasiri
3. PS W. Nandana Thilaka
4. PS D. A. U. Dissanayake
5. PC K. Mahinda Perera
6. PC H. Seneviratne
7. PCD H. A. Saranapala
8. PCD R. P. K. Rajapakse

Staff of the Commission

Mr. G. K. G. Perera	—	Secretary
Mr. S. A. Lionel Perera	—	Acting Assistant Secretary
Mr. K. A. D. Kumarasinghe	—	Clerk
Mrs. H. H. Ratnayake	—	Stenographer (English)
Mr. H. T. De Waas Gunewardena	—	Stenographer (English)
Mr. D. Kaluaarachchi	—	Stenographer (English)
Ms. Kusum Sumanasekera	—	Stenographer (Sinhala)
Ms. I. K. S. Perera	—	Stenographer (Sinhala)
Ms. L. H. G. De Silva	—	Typist (Sinhala)
Mr. M. L. Walter	—	Translator
Mr. S. M. Y. Kinsely Udaya	—	Translator
Mr. Y. G. N. Dayaratne	—	Court Crier
Mr. D. M. Sunil	—	Sound System Operator
Mr. D. Jayasuriya	—	Office Assistant
Mr. I. P. Pathma Cyril	—	Office Labourer (Casual)
Mr. K. Newton Perera	—	Driver (Casual)

ANNEX - F

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Tot
✓



ජනාධිපතිතුමා විසින් පත්කරනු ලැබූ පරීක්ෂණ කොමිෂන් සභාව
ඉදිරියේ සාක්ෂි දීම සඳහා වූ සිතාසිත

(පරීක්ෂණ කොමිෂන් සභා පනතේ 11, 12 වගන්ති)

1990 පෙබරවාරි මස 20 වන දින හෝ ඊට පසුවත් දිනයකදී සලකුණු කළ පොලිස් ස්ථානයේ උප පොලිස් පරීක්ෂක රෝසින ප්‍රියදර්ශන අනුරාධනායකවරයා විසින් 1990 පෙබරවාරි 23 මස 24 වන දින හෝ ඊට පසුවත් දිනයකදී පොලිස් ස්ථානයේ උප පොලිස් පරීක්ෂක අතින් ජයසිංහ අත්අඩංගුවට ගැනීම සහ පසුව රඳවා තබා ගැනීම, රාජ්‍ය පොලොව නිකේතන සංස්ථාවේ බටුලන්ද නිවාස පෝරණා ප්‍රමුඛයේ රඳවා තබා ගැනීමේ ස්ථාන වන්නට ගැනීම සහ 1988 ජනවාරි 01 වන දින සිට 1990 අප්‍රේල් 06 වන දින දක්වා කාලයේදී එකී ස්ථානවලදී සේවා ලද කුමන්ත්‍රණයක ප්‍රතිඵලයක් වශයෙන් එකී ස්ථානවල සේව වෙනත් ස්ථානවල කරනු ලැබූ රඳවා තබා ගැනීම, සම්බන්ධ වූ අවස්ථානුගත කරුණු හෝ ඊට කෙළින්ම හෝ අනෙකුත් ආකාරයකින් වගකීම් දැකුණු බැවින් සහ ඒ සම්බන්ධව පිලිබදවීම් විසින් නිසි විමර්ශනයක් වරින්වර ලද්දේද, සහ එයට අත්පි මැදිහත් වීමක් කරන ලද්දේද යන කරුණු පරීක්ෂණයෙන් පසුව ලබාගැනීමට අවශ්‍ය යැයි ජනාධිපතිතුමා විසින් පත්කරනු ලැබූ පරීක්ෂණ කොමිෂන් සභාව විසින් පත්කරන බැවින්.

නම :-

ලිපිනය :-

වෙත මෙම සිතාසිත නිකුත් කරනු ලබන දිනට, ඉහත සඳහන් මට විසින් ඉහත පරීක්ෂණයේදී විදහා දැක්වූ සාක්ෂි දීම හැකි යයි මෙහි කොමිෂන් සභාවට පෙනී යන බැවින් මෙම කොමිෂන් සභාව ඉදිරියේ

වර්ෂය	මාසය	දිනය	වේලාව	ස්ථානය

දී මැදිහත් වීමට බලපෑ, ඔබගේ සාක්ෂි සටහන් කරනු ලබන තුරු හෝ කොමිෂන් සභාව අවසානව තුරු ඔබගේ සාක්ෂි සටහන් කරනු ලබන තුරු හෝ ඔබ කොමිෂන් සභාවේ අවසරය ලබා ඇතොත් මීට, ඉන් බැහැරව නොයන ලෙසට ඔබට මෙයින් නියම කරනු ලබන අතර, කොමිෂන් සභාව ඉදිරියේ පෙනී සිටීම මැදිහත් වීමට බලපෑනු ලැබුවහොත් ඔබ කොමිෂන් සභාවේ අධිකාරියට විරුද්ධව හෝ ඊට අහෝසි වන පරිදි කෙරෙන කිසිවේ වරදට විරුද්ධව වන බැව් මෙයින් දැනුම් දෙනු ලැබේ.

කොමිෂන් සභාවේ අය වරිදී,

ලේකම්,

පුද්ගලයින් අනුරාධනායක නා නිකේ විරෝධී අත්අඩංගුවට ගැනීම සහ රඳවීමේ ස්ථාන බටුලන්ද නිවාස පෝරණා ප්‍රමුඛයේ වරින්වර පොලිස් ස්ථානවලට පත්කරනු ලැබූ පරීක්ෂණ කොමිෂන් සභාව,
උසාවි අංක. 02,
මහාධිකරණය,
කොළඹ 12.

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වර්ෂය දින මස දිනදී.

සටහන :

වරින්සේ කොමිෂන් සභා සභාපති 11(2), 11(7), 12(1), 12(2), 12(3), 16 වගන්තින් යනු හඳුන්වා දී ඇත.

11. (2) යම් විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

(3) විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

12. (1) මේ කොටසේ විධායක ජනපතිවරයන් විසින් —

(අ) විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

(ආ) විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

(ඇ) විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

මේ කොටසේ විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

(2) යම් විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

(3) 100 කට වඩා වැඩි ප්‍රමාණයකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

(අ) විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

(ආ) විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

16. යම් විධායක ජනපතිවරයන් විසින් පැනවූ යම් වගන්තියකට අනුකූලව නොවන පරිදි වැඩ කරවන බවට තීරණයක් ගන්නා සෑම අවස්ථාවකම ඒ ඒකීය වශයෙන් සලකා බැලීමට ඉඩ ඇත.

List of Witnesses

The Names have been listed according to the sequence of appearing before the Commission.

1. S. E. Wedisinghe
2. W. M. D. M. Wijekoon
3. K.K. Nandasena
4. K. P. Subasinghe
5. S. D. N. Siriwardena
6. Ajith Jayasinghe
7. Jude Rohan Peiris
8. S. M. Amarasena
9. S. M. Dinesh
10. A. N. Senanayake
11. Nevil Bandula Dinapurna
12. Earl Suggy Perera
13. Patric Perera
14. Wasala Jayasekera
15. Ananda Jayasekera
16. T. M. Bandula
17. H. Priyantha Uditha
18. R. D. K. Ratnasiri
19. Sumana Manel Devendra
20. Swarna Kanthi Perera
21. L. M. Henry Perera
22. A. Vimal Atthanyake
23. Dharmadasa Silva
24. Wasantha Kumara Kulatunge
25. Chandraguptha Amarasinghe
26. Maddumage Premaratne
27. V. R. L.K. Karunakalage
28. Vincent Fernando
29. Jayantha Rupananda
30. Stanley De Silva
31. Margret Fernando
32. Nandana Weeraratne
33. H. H. M. R. Premaratne
34. Piyathissa Perera
35. Udayachandra Liyanage
36. Ranjini Kularatne
37. Suwaris Hapugala
38. Tessy Sumanawathie
39. Weeraman Jayawardena
40. Mayadunnage Edwin
41. Gayan Pradeep Kumara

42. Nimal Chandraratne
43. Fransis Perera
44. Liyanage Samaradasa Perera
45. H. Simon Singho
46. Madawala Liyanage Indrani
47. Dingiri Banda Weerasinghe
48. Bharatha Lakshman Premachandra
49. Aarachchige Sumanawathie
50. Nalin Siripala Delgoda
51. Don Sujeewa Dammika
52. Hemachandra Dias
53. Udugampalalage Nimalawathie
54. R. A. Shantha Gamini
55. G. R. Gamini Sarath
56. K. L. Asoka Manel
57. Tudor Perera Makewita
58. T. Nihal Pathmasiri
59. Lakshman Indrajith
60. Ernest Perera
61. Pathmini Premalatha
62. Shantha Gamini Ratnayake
63. Shelton Gunasekera
64. Thissa Palipane
65. Dikson Mendis
66. Susil Rohana
67. Keerthi Kumara Atthapattu
68. Mannage Metthananda Guneratne
69. Madurage Ranatunge
70. Lakshman Dias
71. Raja Dias
72. Sepalika Wijesinghe
73. Ranjith Jayasekera
74. Upali Lakhewa
75. E. P. G. Jayaratne
76. P. R. G. Heenbanda
77. Lakshman Udaya Kumara Ranasinghe
78. Anil Indrajith Gunewardena
79. John Amaratunge
80. Ranjith Wickremasinghe
81. Joseph Michiel Perera
82. Ranil Wickremasinghe

LIST OF DOCUMENTS AND PRODUCTIONS

- X 1 Appeal presented to the IGP by Sunil Edmund Wedisinghe
- X 1A Document annexed to X 1
- X 2 A news article published in the 'Dinamina' Newspaper of 26.02.1990
- X 3 A news article published in the 'Dinamina' Newspaper of 27.02.1990
- X 4 A news article published in the 'Janatha' News paper of 28.02.1990
- X 5 A news article published in the 'Daily' News paper of 27.02.1990
- X 6 Reply letter bearing Ref. EV/09/03/95 sent to Ajith Jayasinghe from the IGP, in response to his appeal
- X C 7 Notice sent to Jude Peiris
- X 8 Affidavit of Jude Peiris
- X 9 Affidavit presented to the Court of Appeal by Sulthanagoda Amarasena
- X 10 Habeas Corpus Application presented to Court by Sulthanagoda Amarasena
- X 11 An extract of an Routine Information Book
- X 12 Telephone message received by Sulthanagoda Dinesh
- X 13 A copy of a statement made by Sulthanagoda Dinesh to Douglas Peiris on 24.02.1990
- X 14 A photograph of Rohitha Priyadarshana
- X 15 A photograph of Rohitha Priyadarshana, wearing a STF uniform
- X 16 Photograph taken at the three months alms giving organized in memory of Rohitha Priyadarshana
- X 17 Photograph taken at the three months alms giving organized in memory of Rohitha Priyadarshana
- X 18 Photograph taken at the three months alms giving organized in memory of Rohitha Priyadarshana
- X 19 Photograph taken at the three months alms giving organized in memory of Rohitha Priyadarshana
- X 20 Proceedings of Gampaha High Court Case No. 161/93
- X 21 Proceedings of Colombo High Court Case No. 6049/93
- X 22 A portion of the 'Divaina' Newspaper of 23.02.1990
- X 23 Letter dated 06.02.1995 sent to Douglas Peiris by Nihal Senanayake
- X 24 Letter indicating that a house was released to Douglas Peiris on the instructions of the Minister
- X 25 A schedule containing details relating to the allocation of houses.
- X 26 A piece of paper containing Lakshman Ranasinghe's name and telephone number.
- X 27 A piece of paper containing Lakshman Ranasinghe's address.
- X 28 A piece of paper containing the Telephone number and the address of Lakshman Ranasinghe
- X 29 An extract of a Statement made By T. Patric Perera to the Police on 23.03.1990
- X 30 An extract of a statement made by T. Patric Perera to the Police on 19.04.1990
- X 31 Order made by the Magistrate in relation to Wasala Jayasekera
- X 32 Circular issued by the IGP on the procurement fo houses by Police Officers

- X 33 Letter sent by ASP Douglas Peiris to the Liquidator of the State Fertilizer Manufacturing Corporation dated 02.08.1988
- X 34 Letter sent by Mr. Ranil Wickremasinghe to IGP Frank Silva
- X 35 Letter sent by the Human Rights Commission to Wasala Jayasekera
- X 36 Record of MC Hulftsdorp Case No. B 1600
- X 37 Identity card of T. M. Bandula.
- X 38 Service certificate issued to T. M. Bandula
- X 39 Part of a hand- cuff
- X 40 Hand bill published by T. M. Bandula
- X 41 The passport of T. M. Bandula
- X 42 Letter of recommendation sent by the IGP to the Secretary to the Ministry of Defence.
- X 43 Cabinet Paper
- X 44 Cabinet Decision
- X 45 Letter sent by the IGP giving details relating to Douglas Peiris
- X 46 Video tape relating to the Batalanda Housing Scheme
- X 47 Notice sent to Wasantha Kulatunga from the Peliyagoada Police
- X 48 Photographs of houses at the Batalanda Housing Scheme
- X 49 Photographs of houses at the Batalanda Housing Scheme
- X 50 News article published in the Ravaya Newspaper
- X 51 Statement made by Vincent Fernando
- X 52 Letter given by Jude Peiris to Nandana Weeraratne
- X 53 Application tendered by Douglas Peiris to obtain a forged passport
- X 54 Statement made by Ranjini Kularatne
- X 55 Court of Appeal Order made against Douglas Peiris
- X 56 Letter issued to Ranjini Kularatne by the HQI of the Peliyagoda Police.
- X 57 Death Certificate of Mudunkotuwege Chandrasiri
- X 58 Letter given by Suvaris Hapugala to H. K. Jayasinghe
- X 59 Medical Certificate of Simon Singho
- X 60 Certificate issued to Simon Singho by the Police Headquarters
- X 61 Officers Visiting Book (OVb) of the Sapugaskanda Police Station, for the period 1989 to 1990
- X 62 Police Departmental Regulations B 11
- X 63 Police Circular No. 737/87
- X 64 Police Gazette No. 597
- X 65 Letter indicating the allocation of houses at the Batalanda Housing Scheme
- X 66 B-report relating to Kaduruwahanage Jinadasa
- X 67 Confessional Statement of Kaduruwahanage Jinadasa
- X 68 Appeal of Inspector Wedisinghe
- X 69 Vacation of Post Order issued on Rohitha Priyadarshana
- X 70 Report sent by SSP Delgoda to the DIG on Rohitha Priyadarshana
- X 71 Letter of recommendation issued by SSP Delgoda regarding ASP Douglas Peiris
- X 72 Document prepared by SSP Delgoda to assist him when giving evidence before the Commission
- X 73 English copy of X72
- X 74 Letter sent by Director of Crimes to the Commission

- X 75 Letter sent by SSP Delgoda to the DIG, seeking permission to use unregistered vehicles for further time
- X 76 News article Dinamina News Paper of 25.01.89
- X 77 Police Departmental Circular dated 09.05.89.
- X 78 Case record of Gampaha High Court case No. 61/93
- X 79 Letter of commendation sent to the IGP by DIG Guneratne on SSP Delgoda
- X 80 Detention Order issued on Shanthalal by ASP Douglas Peiris
- X 81 News article of the Janatha News Paper of 22.08.90
- X 82 Regulations relating to the procurement of houses under the Emergency Regulations
- X 83 A copy of a Gazette dated 20.06.89
- X 84 Police Circular relating to the payment of rent
- X 85 Note dated 06.09.88 prepared by the IGP on the death of Wijayadasa Liyanaarachchi
- X 86 Letter of recommendation issued by the IGP on Nalin Delgoda
- X 87 Letter of commendation relating to Edmund Karunanayake
- X 88 Letter of recommendation relating to ASP Douglas Peiris
- X 89 Note presented to the Commission by Tissa Palipane
- X 90 List containing persons who frequent the temple of Tissa Palipane
- X 91 Certificate issued by a Grama Sevaka
- X 92 Police Departmental Order A 17
- X 93 Police Circular No. 839/90
- X 94 Police Circular relating to the payment of rent
- X 95 Letter confirming the residence of Nalin Delgoda
- X 96 Letter indicating payment made to private Counsel by the Government
- X 97 Report relating to justifiable homicides in the Kelaniya Police Division
- X 98 Minor Complaints Register of the Sapugaskanda Police Station
- X 99 Statement of PC Siriwardena
- X 100 Police Departmental Circular No. 6/90
- X 101 News article which had appeared in the Island News Paper of 11.08.90
- X 102 Sketch of the upper floor of the Sapugaskanda Police
- X 103 Statement of CI Wickremasinghe dated 06.09.88
- X 104 Statement of Shelton Perera
- X 105 An extract of a notes of investigation conducted by ASP Raja Dias
- X 106 Letter indicating compensation paid to persons in the Wattala area
- X 107 Statement made to the Investigations Unit by Widana Pathirana
- X 108 The cover page of a Time Magazine
- X 109 News article of the Divaina News Paper of 05.02.96
- X 110 A Sketch of the Batalanda Housing Scheme
- X 111 Letter indicating the release of land from Ja-ela 'Croos Watta'
- X 112 A statement made by Shanthalal
- X 113 An extract of the CSU-IB of the Sapugaskanda Police
- X 114 A note made by CI Wickremasinghe on the escape of Siriwardena
- X 115 An affidavit by the mother of Gamini Hettiaarachchi
- X 116 A portion of the Divaina News Paper of 06.12.96
- X 117 The Ravaya News Paper of 13.02.94
- X 118 The Ravaya News Paper of 06.03.94
- X 119 The Ravaya News Paper of 08.06.97

- X 120 A photograph of Mr. Ranil Wickremasinghe with Gonawala Sunil
- X 121 Divorce Order made against Ajith Jayasinghe
- X 122 The Death Certificate of Clear Samarasinghe
- X 123 A complaint made regarding the disappearance of Muthu Kumaraswami
- X 124 The Death Certificate of David Thiyagaraja
- X 125 A names list of the Fisheries Corporation
- X 126 Letter sent by the Wattala District Secretary to U.D. Monika on 03.09.97

Note : Documents marked X111, X115 and X119 were taken over by Mr. Dulinda Weerasuriya, the Counsel who appeared before the Commission to look after the interests of Mr. Joseph Michiel Perera, seeking to clarify certain matters. Mr. Weerasuriya thereafter took them away, without returning the same. Subsequently, a notice was sent to Mr. Weerasuriya under registered postal cover, requesting that the documents be returned. He however, did not return them. According the Commission is not in a position to forward the said documents to Your Excellency.

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