

I, **Nagananda Kodituwakku**, 58 years of age, Attorney-at-Law and Solicitor (England & Wales), domiciled in England and currently residing at 99, Subadrarama Road Nugegoda, Sri Lanka do hereby state as follows.

I have undertaken to support a very important Fundamental Rights Application (No 536/2010), which has been filed before the Supreme Court on 24th of September 2010. For a period of over 2 years and 4 months, this case has not been allowed to be supported before the Supreme Court due to numerous improper and inappropriate actions adopted by the Attorney General, expected to uphold the rule of law and not to protect and uphold the interests of fraudsters and cheats.

The fundamental reason for the inordinate delay and evasion of the supporting of the case is that, in this case, the gross professional misconduct and dishonesty of Mohan Peiris, (then the Attorney General), who is accused for deceiving Director General of Customs and the Supreme Court, is plainly exposed with irrefutable evidence, presented by way of 'Observations' made by the Director General of Customs. In this case, Mohan Peiris's professional misconduct is further proved with the documentary evidence, including an affidavit by the Director General of Customs, which speaks for themselves of Mohan Peiris's gross misconduct and dishonesty as a person who held a high profile public office. And in this case his improper actions and his connivance in defrauding a sum of Rs 519 million of public funds, with the knowledge and tacit approval of P B Jayasundara, the Finance Secretary, who is also cited in his personal Capacity, is plainly brought to light by the evidence presented by the Petitioner and the Director General of Customs.

I have visited Sri Lanka for more than 6 times to present this public interest litigation, yet, for the reasons set out above, and despite strong objections taken against the endless postponements, this case was never allowed to be presented, causing enormous pain and hardship to the Petitioner and his counsel.

In Sri Lanka, the Fundamental Rights Applications are of unique nature, and the Supreme Court is empowered to protect these rights of the citizens at all times. And this has been the very standpoint of the Supreme Court, which has held that the Fundamental Rights Applications are qualitatively different from other types of applications and hence warrants greater latitude with respect to their review and redress, in order to encompass the equitable jurisdiction exercised in these applications.

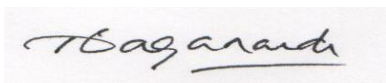
When this case was expected to be supported on 05th October 2012, due to an apparent threat posed to my life, I was forced to move for a date and return to England on 26th September 2012, after having made a complaint to the Police on 25th Sep 2012.

Now this case is re-fixed for support on 31st of January 2013, in a backdrop where the accused, Mohan Peiris himself has accepted the appointment to the office of the Chief Justice, with a scant respect or regard whatsoever to the Rule of law and moral integrity. Since supporting of this Fundamental Right Action would pose an imminent threat to the very survival of Mohan Peiris at the office of the Chief Justice, once again there is a serious threat posed to my life, with a clear warning, not to appear in the case. I have already reported this matter to the Foreign and Commonwealth Office in the UK and the British High Commission in Colombo, before returned to Colombo on 21st of January 2013. And just after my arrival, I received another email yesterday by somebody identified themselves as '*Deshapremi*' with the following warning.

'Chilling Warning' - You have refused our warning and returned to Sri Lanka at your own risk. Appearance in the case against the CJ, against our advice will bring an END with fatal results.

In this background, I am contemplating to make an application to lay by the matter against Mohan Peiris, however, with the Petitioner's legal rights reserved to support the case, once the Rule of Law in the country is duly restored.

I am making this complaint seeking appropriate measures be taken to protect my life during my stay in Sri Lanka, and if harmful action, if any, hatched against me, like a framed 'accidental death' or something similar, I have only one person to be suspected and held responsible for any such act, that is Mohan Peiris.



Nagananda Kodituwakku

Police (Mirihana, Colombo) Complaint ref: CIB (2)/ 52/332 of 23rd Jan 2013