

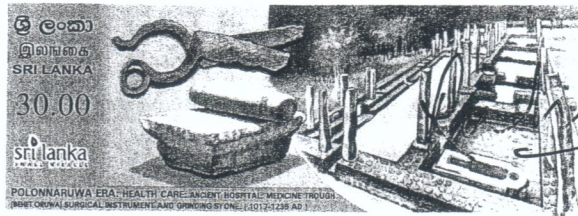
## AFFIDAVIT

I, **Thalaththani Ralalage Rathnasiri** of 23/4, Makola South, Makola, Being a Buddhist do hereby solemnly and truly declare and affirm as follows;

1. I am the affirmant by the above named and can speak to the facts herein from my personal knowledge
2. I am the Petitioner of the fundamental rights application No: 535/2010 filed by Attorney at Law, Mr L.G.Marasinghe on my behalf on 24/09/2010, which was to be supported by Mr Upul Jayasuriya, Attorney-at-Law.
3. When this matter was called on 15/10/2010, objections were raised on behalf of the Attorney General for citing Mr Mohan Peiris as the first respondent in his personal capacity. To my surprise and without even consulting me Mr Upul Jayasooriya submitted to the Court that he would amend the Petition citing Mr Mohan Peiris only in his official capacity and to resubmit the Petition.
4. Soon after, Mr Upul Jayasuriya informed me that he would support the application subject to the condition that the affidavit by the Director General of Customs, Mr Lakshman Perera, a copy of which attached hereto, regarding the conduct of Mr Mohan Peiris should be deleted from the Petition and that the Attorney General should not be cited in his personal capacity as the first respondent, instead the AG should be cited as the last respondent in his official capacity.
5. Since I was unable to obtain the services of another counsel of that standing to support my application I agreed to his requirements. The Petition was accordingly amended and tendered by my instructing attorney.
6. On 11<sup>th</sup> Jan 2011 on which date the Petition was due to be supported Mr Upul Jayasuriya informed me by telephone that he was not willing to support the application. I protested to him that the Petition had been amended as required by him solely on the basis that he would support such amended application. However, without offering any clarification for his belated inexplicable and unethical breach of his promise to support my amended application he terminated the call.

7. In these circumstances I was compelled to plead with Mr Nagananda Kodituwakku, Attorney-at-Law and Solicitor, to support the application in spite of his not having sufficient time to prepare himself to do so.
8. Again this matter was due to support on 21/06/2011, and on that day too, Mr Upul Jayasuriya, Attorney-at-Law deliberately evaded appearance, completely ignoring his professional obligation to his client that is me.
9. Having deceived me into withdrawing the critical affidavit by the DGC about the conduct of Mr Mohan Peiris and amending the Petition to suite his purposes, his refusal to support this application at the last minute clearly amount to improper conduct amounting to malpractice. Such conduct on his part clearly warrants proceeding against him for his suspension or removal from the office of the Attorney-at-Law under Section 42[2] No 2 of 1978. I humbly request that appropriate action be taken by your Lordship on this misconduct.

The affirmant having )  
 read over and understood )  
 the contents hereof )  
 affirmed to and signed )  
 at Colombo on this 22nd )  
 day of November 2011 )



*[Handwritten signature]*

Before me *[Signature]*  
**M. A. M. NAZIR (BA. Sri Lanka)**  
 Attorney-at-Law, Commissioner for Oaths  
 & Notary Public  
 36/2-A, Kalubowila Road, Dehiwala.  
 Commissioner for oaths/ Justice of the Peace.

**TRUE COPY**

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**SAMPATH VIJITHA KUMARA**  
 Attorney-at-Law