

*COMMUNICATION SUBMITTED FOR CONSIDERATION UNDER
THE FIRST OPTIONAL PROTOCOL TO THE
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS*

**THE UNITED NATIONS COMMITTEE ON HUMAN RIGHTS
C/O OHCHR – UNOG
1211 GENEVA 10, SWITZERLAND.**

Date: On this 25th day of March 2013

I. INFORMATION CONCERNING THE AUTHOR OF THE COMMUNICATION

- 1.1. The Author of this communication is **T. R. Ratnasiri**, 54 years of age, a citizen of Sri Lanka and a Deputy Superintendent of Customs of the Department of Sri Lanka Customs.
- 1.2. The AUTHOR IS REPRESENTED BY **Nagananda Kodituwakku**, Attorney-at-Law (Sri Lanka) & Solicitor (UK). A Power of Attorney nominating him as the Counsel for the Author is annexed hereto marked 'X'.
- 1.3. The all communications pertaining to the instant application may be directed to the address of N Kodituwakku & Co, No.99, Subadrarama Road, Nugegoda, Sri Lanka.

II. STATE CONCERNED

The State Party to the International Covenant on Civil and Political Rights ('the Covenant' or 'ICCPR') and the First Optional Protocol against which the communication is directed is the Democratic Socialist Republic of Sri Lanka.¹

III. ALLEGED BREACHES OF THE ICCPR

- a) the Author's and his Informant's right to **equality and equal protection of law** and their **right to a fair trial by a competent, independent and impartial tribunal** established by law, guaranteed under **Article 14(1)** and the **Article 26** of the International Covenant on Civil and Political Rights.

¹ Sri Lanka acceded to the International Covenant on Civil and Political Rights ('ICCPR') on 11 June 1980 (entry into force on 11 September 1980) and to the First Optional Protocol to the ICCPR on 3 October 1997 (entry into force on 3 January 1998).

The agencies and officers of the concerned State Party involved in the violations referred to in this communication are:

- 1) P.B.Jayasundara, Secretary to the Ministry of Finance (*hereinafter sometimes referred to as "ST"*);
- 2) Mohan Peiris, The Attorney General (Dec 2008 – Sep 2011) & Chief Justice since 15th January 2013, (*herein after sometimes referred to as the 'former AG'*)
- 3) Sarath Jayathilake, the former Director General of Customs (October 2002- May 2010) (*hereinafter sometimes referred to as the 'former DGC'*)
- 4) Thilak Perera, Director of Customs, Customs Department of Sri Lanka (*hereinafter sometimes referred as the Inquiry Officer*)
- 5) Sudharama Karunarathan the former Director General of Customs (May 2010 to Jan 2012) (*hereinafter sometimes referred to as the DGC*)
- 6) Board of Investment of Sri Lanka (*hereinafter sometimes referred to as the BOI*)
- 7) Colombo Dockyard Ltd (*hereinafter sometimes referred to as the CDL*)
- 8) Attorney General (*hereinafter sometimes referred to as the AG*)

SUMMARY OF FACTS

1. The *Author T.R Ratnasiri*, 54 years of age and a citizen of Sri Lanka is a Deputy Superintendent of Customs of the Department of Sri Lanka Customs, residing at 23/4, Makola South, Makola, Sri Lanka.
2. The Author, further to credible information (*ref: the document marked 'P1'*) received from a private informant, initiated an investigation into a major revenue fraud on 11th October 2000. The informant had relied on a paper advert (*ref: the document marked 'P2'*) published by Customs, promising 'handsome cash rewards' for accurate information provided on revenue frauds.
3. The Author commenced the investigation and completed it on 12th October 2001 (*ref: investigation summary marked 'P3'*). It revealed that the CDL had sold 21 marine craft in the local market, manufactured out of raw material imported tax free, meant only for the export bound products. It was then revealed that the CDL had collected 619 million rupees of the tax component from the buyers (Sri Lanka Ports Authority and the Sri Lanka Navy) and thereafter misappropriated the entire tax component, without remitting the same to the Customs. At the time, the investigation was being conducted by the Author, the CDL, in an act of conceding guilt, had deposited a sum of over 94

million rupees in two instalments i.e. on 25th July 2001 and 15th August 2001 with Customs, to be applied against as a part of the total revenue element misappropriated by it.

4. The Author states that on 07th February 2002 a formal Customs Inquiry (P/Misc/93/2000) into the fraud was commenced by the Director of Customs, Thilak Perera, the Inquiry Officer, but the progression of the inquiry was severely affected by various delaying tactics adopted by the CDL to absolve itself from the penal liability. The inquiry dragged on for two years with no decision being taken by the authorities concerned.
5. Then on 05th March 2004, the then DGC, disregarding objections raised by the Author, on 14th February 2004 (*ref: the document marked 'P4'*), granted a General Tax Amnesty to CDL (*ref: the document marked 'P5'*) relieving it from all the tax liabilities. The Author then challenged the DGC's wrongful **executive action** before the Court of Appeal (Case No: CA/1397/2004) on 25th June 2004 to protect public interest and the interests of the informant concerned.
6. The Author states that further to this Court action, the, then Attorney General, Mohan Peiris, on 09th February 2005 gave an undertaking (*ref: the document marked 'P6'*) through Court that the Customs Inquiry (P/Misc/93/2000) would be resumed and completed '*as expeditiously as possible*' and the Author, further to the said undertaking, withdrew the said Court action.
7. The Author states that thereafter the Customs Inquiry against the CDL was resumed on 10th March 2005 but on 02nd June 2005, the CDL refused to attend the inquiry, on the ground that the Customs lacked jurisdiction to 'recover' '*other levies*' [Goods and Services Tax (GST), National Security Levy (NSL), Turn over Tax (TT) and Stamp duty], payment of which had been evaded by it.
8. The Author states that thereafter on 29th August 2005, the CDL filed an action (Case No: CA/1413/2005) in the Court of Appeal against the continuation of the Customs inquiry. The said action was based on the premise that the Customs had no authority to recover '*other levies*' referred to above.
9. The Author states that after a period of over 4 years of filing this action, the Court of Appeal on 27th April 2009, issued a Writ of Prohibition, against the continuation of the Customs inquiry for non-payment of '*other levies*'. The said judgement (*ref: the document marked 'P7'*) also contained a reference that even the Customs duty 'could be recovered' under Section 18A of the Customs Ordinance, a relief the CDL had not even prayed for. The Author states that this provision is provided in the Customs Ordinance "only for the recovery of duties 'short levied' and not to invoke

in the cases where the revenue is wilfully defrauded". Obviously it was a case of misrepresentation of facts to the court.

10. The Author states that therefore, on 13th May 2009, the then DGC, urged (*ref: the document marked 'P8'*) the then Attorney General, Mohan Peiris, to appeal against the said Court ruling [CA/1413/2005] and when Mohan Peiris failed to initiate any action on the matter, the then Solicitor General, Priyasath Dep, (now a Judge in the Supreme Court), further to representations made to him by the Author and the officers of the Customs Legal Affairs Directorate, filed action [SC/SLA/100/2009] before the Supreme Court on 05th June 2009, challenging the Court of Appeal order.
11. The Author states that the then Attorney General Mohan Peiris failed to take any tangible action to proceed with the said appeal [SC/SLA/100/2009] as well, and then his inaction was exposed by 'Sunday Leader', a leading newspaper in Sri Lanka, on 06th September 2009 (*ref: the document marked 'P9'*). It was alleged that Mohan Peiris was abusing the office of the Attorney General to settle this case where public funds of 619 million was at stake. [In fact in the year 2001 when Mohan Peiris was in the private bar he had been reported (*ref: the document marked 'P10' dated 16th February 2001*) to the then Chief Justice by the then Director General of Customs for abuse of office, dishonesty and gross professional misconduct].
12. The Author states that in this backdrop, on 04th November 2009, a meeting was held at the office of the Attorney General, Mohan Peiris, which was attended by the Solicitor General, Priyasath Dep Deputy Solicitor General (DSG) Sanjay Rajarathnam, DGC, Director Legal Affairs of Customs, and the Author. And at the said meeting, the Attorney General Mohan Peiris advised the DGC to continue with the Customs inquiry with a guarantee given to defend the Custom's right to proceed with the Inquiry against the CDL. Expressing his opinion on the references made in the Court of Appeal Judgement (CA/1413/2005) regarding the 'recovery of Customs duty under Section 18A', he said that it was a mere *obiter*, (*a judicial comment whilst delivering a judicial opinion but one that is unnecessary to the decision of the case and therefore not **precedential***).
13. Then, after a lapse of six months, on 10th May 2010, the Attorney General, Mohan Peiris, did a U-turn and informed the DGC that he would withdraw the Appeal [SC/SLA/100/2009] that had been fixed for support on 30th Aug 2010 and advised the DGC to recover the Customs levies (misappropriated by the CDL) under Section 18A of the Customs Ordinance, which was meant only for recovery of Customs duty 'short levied' as mentioned in paragraph 9 above (*ref: the document marked 'P11'*)

14. The Author states that in the meantime, the DGC Sarath Jayathilake was removed from the office with effect from 24th May 2010 and replaced by Mrs Sudharma Karunarathna. The new DGC, after having observed that the Attorney General had expressed a completely contradictory opinion on the matter on 04th Nov 2009, took a firm stand and on 03rd August 2010, informed the Attorney General, that 'considering the colossal revenue loss involving in the case' it was inappropriate to withdraw the case (ref: the document marked 'P12').
15. The Author states that thereafter, on 16th August 2010, the DGC was summoned for a meeting to the office of the P B Jayasundara, the Secretary to the Finance Ministry (ST). The said meeting was also attended by the senior officers of the Customs Legal Affairs Unit (LAU). At the said meeting the ST ordered the DGC to follow the advice given by the Attorney General, Mohan Peiris, [regarding the Supreme Court action filed against the CDL] , yet refrained from confirming his order in writing. Then the officers (Lawyers) of the Customs LAU informed the ST that there were several important points of law to be argued in the case, which would have a direct impact in the collection and protection of the Government Revenue. The ST had simply ignored their submissions and warned them either to follow his orders or to leave the Customs and join the private bar. *(It is relevant to mention that P B Jayasundara, the ST, is a person convicted for cheating by the Supreme Court in the case SCFR/209/2007 where he had pleaded guilty and paid a fine of Rs. 500,000.00 on 21st July 2008. It has been held by the Supreme Court P B Jayasundara should not take up any public office in the Government of Sri Lanka).*
16. The Author states that, then on 23rd August 2010 the Customs Officers Trade Union made representations to the DGC and requested her not to act on ST's verbal order , which was not in the public interest and urged her to request the said instructions in writing (ref: the document marked 'P13').
17. The Author states that thereafter, on 30th August 2010, the Attorney General Mohan Peiris completely disregarding the written instructions given by the DGC, withdrew the case [SC/SLA/100/2009] from the Supreme Court. In the process he deceived the Supreme Court that he was acting as per the instructions of the DGC (ref: the minute entered in the document marked 'P15' and the Court order marked 'P14').
18. The Author states that, after the withdrawal of the case, on 01st September 2010, the DGC's office received a 'hand delivered' letter from the Attorney General in which the date of the letter was recorded as 26th August 2010, which gave an impression that the DGC had been informed of the withdrawal of the Supreme Court case (ref: the document marked 'P15') in advance. According to the content of this letter, the Attorney General had informed the DGC that the Appeal would be

withdrawn and that the revenue losses incurred by the Customs, should be pursued under Section 18A of the Customs Ordinance, effectively affording the CDL a preferential treatment and granting time as long as 20 years to pay the quantum of revenue defrauded, a concession of which the honest tax payers who voluntarily comply with law are never afforded (*ref: DGC's observation at para 43 of 'P31'*).

Fundamental Rights Petition filed before the Supreme Court

19. The Author states that thereafter, on 24th of September 2010, the Author filed a Petition (*ref: SCFR/536/2010 as amended on 22nd December 2011 (ref: the document marked P16) as per the directions of the Court dated 05th December 2011, marked 'P17'*) in the Supreme Court of Sri Lanka, challenging the withdrawal of the Supreme Court case [SC/SLA/100/2009] by the Attorney General Mohan Peiris. In the said Petition his **Executive act of withdrawing** the case against the written instructions of the Director General of Customs (DGC) **and** thereafter giving directions to the DGC to 'recover' the revenue losses incurred by the Customs, under Section 18A of the Customs Ordinance, effectively violated the Author's and his informant's right to 'equality before the law without any discrimination to the equal protection of law' recognised under Article 26 of the International Covenant on Civil and Political Rights (also protected under the Article 12(1) of Domestic Law) was challenged. The Author states that by his deceitful act the Attorney General Mohan Peiris had allowed the CDL to go scot free, effectively evading penal sanctions specified by the Customs law being taken against it, for the serious revenue crime committed against the State. The Author states that had the fraudster been dealt with as required by law like any other case, the informant in the case would have been rewarded with a substantial cash reward for his precise information given to Customs about the revenue fraud committed by the CDL.

Abuse of legal process by the Respondents and some Judges in the Supreme Court

20. The Author states that since, filing of this case (SCFR/536/2010) the Author had been completely denied a fair treatment. The Supreme Court, not even considered the Application for granting of 'leave to proceed' for more than 2 1/2 years, **whereas the Constitution of Sri Lanka requires the Supreme Court to hear and determine a fundamental right application within two months of its filing in the Supreme Court.** The Author states that the Respondents cited in the case persistently resorted to adopt all delaying strategies to have the case died a natural death by denying the Author any opportunity to support the case for more than 16 occasions. In the meantime, several Judges in the Supreme Court refused to take part in the hearing, citing 'personal reasons'.

21. The Author states that on 27th March 2012, when the matter was taken up for support, the Court was not ready to proceed with it and hence 'as usual' it was re-fixed for support on 02nd July 2012. Thereafter, further to a motion filed in Court by the AG, 'with no notice served on the Author', the Court had called the matter on 21st June 2012 and postponed it to 06th September 2012. In this backdrop, having noted that the matter had been called and postponed for a long date without the knowledge of the Author, a motion on 04th July 2012 was filed in Court seeking an earlier date (11th, 12th or 13th July 2012) to support the case (*ref: the document marked 'P18'*).

Blatant abuse of Office by the Supreme Court Judge Hettige for improper purposes

22. The Author states that on 09th July 2012, the Supreme Court Judge Hettige, simply disregarded the motion filed by the Author referred to above and ordered that the matter be taken off the support list of cases fixed for 06th Sep 2012 and to list the case only to be mentioned on 06th September 2012, to fix a date for support of the Petition as usual.

23. The Author states that then the Author's Counsel, Nagananda Kodituwakku, on 11th July 2012, made a written complaint to the Chief Justice, Dr Bandaranayake, reporting Judge Hettige for bias and abuse of office of a Supreme Court Judge (*ref: the document marked 'P19'*).

24. The Author states that thereafter, further to the directions given by the Chief Justice (through the CJ's Secretary), another motion (*ref: the document marked 'P20'*), with an affidavit affirmed by the Author dated 05th July 2012 (*ref: the document marked 'P21'*) was filed in Court by the Author on 20th July 2012, seeking an earlier date to support the application on 02nd, 06th or 08th of August 2012. This motion was then referred to the very same Judge Hettige, who was compelled to reverse his previous order and to re-fix the matter for support on 06th Aug 2012.

25. The Author states that yet again on 06th August 2012, the Counsel for the CDL was not present in Court citing 'personal reasons' and 'as usual' it was again re-fixed for support on 10th Sep 2012. Then again, further to an application made by the AG citing 'personal reasons' the case was re-fixed for support on 05th October 2012, despite strenuous objections raised by the Author's Counsel, Nagananda Kodituwakku against endless postponements.

26. The Author states that on 26th September 2012, the Author's Counsel, Nagananda Kodituwakku was forced to return to the UK, due to threats posed to his life for his appearance in the case. Before his departure (25th September 2012), the Counsel had made a complaint to the Police, about the apparent threat to his life (*ref: the document marked 'P22'*).

27. The Author states that the matter was taken up on 05th October 2012, and postponed to 22nd January 2012 for support. Then on 12th December 2012, having returned to Sri Lanka, the Author 's Counsel filed another motion (*ref: the document marked 'P23'*), elaborating inordinate delays deliberately caused by the CDL and the Attorney General, and seeking an earlier date to support the application. Then the Court re-fixed the matter for support for 20th December 2012.
28. The Author states that on 20th December 2012, supporting of the Petition before a Bench Presided over by the Chief Justice Dr Bandaranayake was again dodged by the Respondents.
29. In the meantime on 15th January 2013 Chief Justice Dr Bandaranayake was forcibly removed and Mohan Peiris, the main Respondent in the instant case was appointed to the office of the Chief Justice.
30. The Author states that in this background another motion dated 28th January 2013 (*ref: the document marked 'P24'*) was filed in Court informing that the main respondent in the case, Mohan Peiris had been appointed to the Office of the Chief Justice, and his counsel was under threat and he had been warned not to proceed with the case. The Counsel had made another complaint to the police in this regard on 23rd Jan 2013, also informing his intention to lay by the matter until the Rule of Law would be restored in the Country. The Author states that a copy of this entry (*ref: the document marked 'P25'*) too was filed in Court along with the motion dated 28th January 2013.
31. The Author states that on 31st January 2013 his case was taken up before a Bench presided over by the main respondent Mohan Peiris (appointed to the office of the Chief Justice) and the Counsel for the Author informed the Court that the matter was about the misconduct of the then AG Mohan Peiris and he was disqualified from hearing the case and accordingly the matter was postponed for support on the following day (01st February 2013).
32. On 01st February 2013 the matter was taken up for support before a Bench comprising of Justice Hettige, Justice Wanasundara and Justice Ratnayake, but Justice Ratnayake withdrew citing 'personal reasons'. Then Justice Hettige presided over the 2-Judge Bench and decided to hear the case, ignoring the great public importance in the case, where the person appointed to the office of the Chief Justice was the main respondent, and hence the matter should have been taken up before a properly constituted fuller Bench.

The prejudiced Bench hears the case

33. The Author states that his Counsel vehemently objected to Justice Hettige taking part in the hearing, since he had been formally reported to the Chief Justice Dr Bandaranayake, on 12th July 2012 for

bias. It was submitted that Justice Hettige's taking part in the hearing was amounting to violation of the natural justice maxim '*Rule against Bias*'. Yet, Justice Hettige simply refused the objections raised, went on to hear the case with Justice Wanasundara and ordered the Counsel to support the application for leave to proceed.

34. The Author states that immediately thereafter, the Attorney General raised a preliminary objection against presenting the case. The Attorney General's argument was based on the ground that the Author had challenged a 'Judicial Decision', [dismissal of the Supreme Court action (**SC/SLA/100/2009**)] which was not an Executive act and therefore, the Author should not be allowed to present his case for 'leave to proceed'.
35. The Author states that the Counsel for the Author, then submitted that the grounds for the Petition were not at all based on any Judicial act and, the right violation challenged by the Author, had been prompted by **an Executive Act performed by the Attorney General Mohan Peiris** as clearly demonstrated in the documents marked '**P15**' and '**P31**' filed in Court. It was further submitted that the withdrawal of the case, was amounting to an act of deceiving the Supreme Court as the Court had been made to believe that the AG had the concurrence of the DGC to withdraw the case. It was further submitted to Court that the Attorney General Mohan Peiris, after having withdrawn the case, had the audacity to send a concocted 'back-dated' letter to the Director General of Customs which was 'hand delivered' (with a wording that '*I am of the considered view that there is no merit in pursuing this appeal and in the circumstances, the said appeal would be withdrawn and to pursue action against the Respondent CDL to 'recover' the revenue defrauded by the CDL under Section 18A of the Customs Ordinance*'), and received at the DGC's office only on 01st Sep 2010, two days after the withdrawal of the case. The Author states that both the AG and the Counsel for the CDL refuted these submissions and sought a ruling (a Court order suspending the Author's Counsel from practice of Law) against the Counsel for the Author, Nagananda Kodituwakku, alleging that the Counsel was making 'baseless allegations against the then Attorney General now being appointed to the office of the Chief Justice and 'abusing the legal process' to make 'groundless allegations against the CDL, which had duly paid all levies due to the Customs'.
36. The Author states that the 2-Judge Bench paid no attention or interest to examine the documents referred to by the Author's Counsel. The Court held with the preliminary objections raised by the AG, which were based on completely unfounded and **WRONG FACTS**, and dismissed the Author's application for 'leave to proceed' denying him a 'fair trial' before a competent and properly constituted Bench. The Court further went on to issue a cost order against the Author (*ref: the document marked 'P26'*).

37. The Author believes that the order made by the Bench presided over by Justice Hettige was *ab initio void* as the said Bench had failed to observe one of the two pillars of the rules of natural justice, the '*Rule against bias*', which was clearly demonstrated from Judge Hettige's own misconduct (which was reported to the Chief Justice Dr Bandaranayake) and hence the order made by the 2-Judge Bench on unfounded FACTS presented by the AG had no legal effect.

Revision application refused by prejudiced Judges

38. The Author states that on 14th February 2013, he filed a Motion (*ref: the document marked 'P27'*) and a Revision Application (*ref: the document marked 'P28'*) in Court, which was listed 'only for mention' on 26th February 2013, before a Bench presided over by Justice Shirani Thilakawardene and two other Judges, Justice Ratnayake and Justice Wanasundara. In the motion the Author requested a Bench comprising of five judges to hear and determine his Revision application, which was of paramount public importance, as the facts in the case were related to the gross misconduct and dishonesty of the then Attorney General Mohan Peiris, who had been appointed to the office of the Chief Justice with effect from 15th February 2013.

39. The Author states that, disregarding the fact that the case was fixed only for mention on that day (26th February 2013), the Court, presided over by the Judge Thilakawardane directed the Author's Counsel, Nagananda Kodituwakku, to support the application, also disregarding the request made by the Author for a 5-Judge Bench to hear the case.

40. At the hearing of the revision application the original ruling by the 2-Judge Bench was challenged on two counts. **First**, it was contested on the basis that the order made by the 2-Judge Bench was void as the 2-Judge bench had violated the natural justice maxim '*Rule Against Bias*' and hence the order made by the 2-Judge bench was *ab initio void*.

41. The **second** point raised was that the 'decision has been made on WRONG FACTS given to the prejudice of the Author and hence liable for revision'. And it was submitted to Court that in the instant case, the ruling made by the Bench presided by the Judge Hettige has been made on absolutely WRONG FACTS presented by the AG that the Author had challenged a Judicial act and not a right violation committed by an Executive or Administrative act, (*which was MANIFESTLY WRONG, as the Right violation challenged by the Author had been prompted by an Executive act committed by the Attorney General, which is clearly demonstrated in the document marked 'P15'*) and the said ruling had been given to the prejudice of the Author hence there was a serious miscarriage of justice, made through manifest error (*per incuriam*).

42. Yet, the Author states that the Bench presided over by the Judge Thilakawardane refused to consider the two grounds submitted by the Counsel for revision of the original order. And finally the Court held that '*It sees no reason to vacate the original order made on 01st February 2013*' and dismissed the application.
43. The Author states that immediately after dismissing the application, Judge Thilakawardane signalled the news editor of 'Ceylon Today' (another leading newspaper in Sri Lanka), Stanley Samarasinghe, who was in the Court room, to report at her Chamber and adjourned the proceedings for a few minutes. At the Chamber, the editor was advised by Justice Thilakawardane, to confine the reporting of the case, strictly relying on the ruling that she would make available to him (*an affidavit dated 05th March 2013 of the news editor Stanley Samarasinghe in this regard is enclosed herewith marked 'P26'*). And sometime thereafter, Justice Thilakawardane had provided the said news editor with an 'uncertified copy of the judgement' (*ref: the document marked 'P27'*) dated 26th February 2013.
44. The Author states that the copies of judgments are not issued by the Judges but by Registry of the Supreme Court on the payment of a prescribed fee. Therefore, the Author states that any prudent person with common sense would agree that the conduct shown by the Justice Thilakawardane after the hearing only demonstrates her clear prejudice in the case.

IV. EXHAUSTION OF DOMESTIC REMEDIES

The Author states that domestic remedies available to him have been exhausted and he has not invoked the jurisdiction of the Human Rights Committee and in respect of the matters pleaded in this Petition and requests the documents attached hereto to be deemed to be part and parcel of this Petition.

V. LIMITATION

This application is admissible *ratione temporis*. The Supreme Court of Sri Lanka's final order on 26th February 2013 was delivered after the First Optional Protocol came into force for the State Party.

VI. OTHER INTERNATIONAL PROCEDURES

This matter has not been submitted for examination to any other procedure of international investigation or settlement.

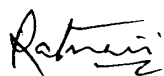
VII. CONCLUSION

It is submitted that the Author and the informant have suffered a violation of his rights as guaranteed by Article 14(1) and Article 26 of the International Covenant on Civil and Political Rights.

VIII. RELIEF SOUGHT

Accordingly, the Author hereby requests the Committee on Human Rights to declare:

- a) that the Government of the Republic of Sri Lanka has violated the Author's and his Informant's right to **equality and equal protection of law** and their **right to a fair trial by a competent, independent and impartial tribunal** established by law, guaranteed under **Article 14(1)** and the **Article 26** of the International Covenant on Civil and Political Rights.
- b) that P B Jayasundara, holding the office of the Secretary to the Ministry of Finance, Sri Lanka and Mohan Peiris, holding the office of the Chief Justice of the Supreme Court of Sri Lanka are unfit to hold any public office in the Republic of Sri Lanka



Signed by the Author, T R Ratnasiri

Dated: 25th March 2013

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