

Affidavit

I, I, Nagananda Kodituwakku, a citizen of Sri Lanka and the UK, an Attorney at Law and Solicitor (UK), and the former Head of the Customs Revenue Task Force, being a Buddhist, currently residing at 99, Subadrarama Road, Nugegoda, do hereby solemnly and truly declare and affirm as follows:-

I am the affirmant above-named and I affirm to the facts herein contained further to the facts contained in my written complaint sent to the Commission to Investigate Allegations of Bribery and Corruption on 18th Jan 2015, purely in the public interest.

1. I state that further to the initiation of the aforesaid complaint against Mohan Peiris, the former Attorney General and Chief Justice (*de facto*) for abusing of the public office of Attorney General to cause a colossal loss of Customs revenue, on 07th Aug 2015 the Customs Department had resumed the conduct a formal Customs inquiry (P/MISC/93/2000) against the Colombo Dockyard PLC for unlawful disposal of marine craft without the prior approval of the Director General of Customs (DGC).
2. I state that the aforesaid Customs Inquiry (P/MISC/93/2000) had been abandoned earlier further to Attorney General Mohan Peiris's intervention and communication dated 26th Aug 2010 sent to DGC by him (X5).
3. I state that by the said letter by the AG Mohan Peiris had informed the DGC only to pursue action against the Colombo Dockyard PLC in terms of Section 18A of the Customs Ordinance, effectively nullifying any penal sanction being imposed on the Colombo Dockyard PLC for willful violation of the Customs Ordinance.

(a further copy of the said letter marked X5 is attached hereto)

4. I said that at the said Customs inquiry (P/MISC/93/2000) held on 07th Aug 2015 against the Colombo Dockyard PLC, all outstanding levies due from the said Colombo Dockyard PLC has been recovered and in addition a further forfeiture of ten million rupees (Rs 10,000,000.00) also has been imposed and recovered from the Colombo Dockyard PLC.
5. I state further that it is still not clear whether the Inland Revenue Department had initiated any legal action to recover all other levies underpaid, defrauded or payment evaded by the Colombo Dockyard PLC.
6. I therefore, honestly believe that the Commission would initiate a credible inquiry into this matter, subject to which I would withdraw the action initiated in the Supreme Court (SC/Writ/03/2015) against the Commission, compelling the Commission to conduct a credible investigation against Mohan Peiris, for commission of an offence under Section 70 of the Bribery Act.

Read over, explained, affirmed
to and signed at Colombo on
this 17th day of Nov 2015



Before me

A handwritten signature in black ink, appearing to be 'Jagath A. Abeysinghe', is written over a faint rectangular stamp area.

Justice of Peace

DESNA KIRTHI SRI LANKA PUTHRA
JAGATH A ABEYSINGHE
Justice of the Peace
2000/08/WP/MTL/B/651
No. 49, Jambugasmulla Road,
Nugegoda.