

Justice T B Weerasooriya

The Chairman

Commission to Investigate Allegations of Bribery or Corruption

36, Malalasekara Mawatha

Colombo 7

26<sup>th</sup> Sep 2016



Received  
on  
27<sup>th</sup> Sep.  
2016

*[Signature]*  
H. of A.

## **Complaint against Director General Mrs Dilrukshi Dias Wickramasinghe on an Offence of Corruption**

This is a formal complaint on corruption against Mrs Dilrukshi Dias Wickramasinghe, the Director General of Commission to Investigate Allegations of Bribery or Corruption (CIABOC). It is based on abuse of office of the Director General to suppress and/or ignore the credible and plausible complaint made against the Members of Parliament (both elected and appointed through the National List after being defeated at the General Election) in the ruling coalition and also in the opposition, who have abused their office to confer benefit and/or favour for themselves and/or others which is a punishable offence under Section 70 of the Bribery Act.

### **Complaint made against the MPs**

The aforesaid complaint was made On 26<sup>th</sup> August 2016 to the Director General, supported by irrefutable evidence of abuse of tax-free car permits by MPs for unjust enrichment. These permits have been issued in the public interest, facilitating the MPs to discharge their public office effectively, in terms of Section 3C of the Excise Special Provisions Act No 8 of 1994.

The investigation conducted by me in this regard has revealed that these tax-free permits are sold in the open market for exorbitant sums, in most cases rupees 25 million or more. The motorcar importers who purchase these permits import vehicles defrauding the entire tax component and the buyers of such vehicles register them under their names, immediately after effecting the first registration in the name of the MPs at the Department of Motor Traffic (*ref: the Document marked X1, a copy of one such registration presented with the complaint to the Director General attached herewith*)

However, it has now been observed that most of the buyers who have bought these vehicles are reluctant to effect simultaneous transfers in their names at the Department of Motor Traffic, obviously to evade being caught in the offensive act. And instead they use the vehicle in the name of the permit holder MPs, which is also a punishable offence under

Section 12 of the Motor Traffic Act. *(ref: the Document marked X2, a copy of one such registration presented with the complaint dated 26<sup>th</sup> Aug 2016 is enclosed herewith)*

A similar complaint dated 11<sup>th</sup> Dec 2014 made to the incumbent Director General too was ignored *(ref: communiqué dated 04<sup>th</sup> March 2015 marked X3, received from CIABOC)* and this dismal failure on the part of the Corruption Commission has effectively led to the breakdown of the rule of law, concerning bribery and corruption. It is observed that some MPs have even resorted to take legal action against the the buyers of their vehicles for not settling the full purchase price agreed upon, despite their selling of the vehicle (imported on a tax-free permit) itself is an illegal act *(ref: the Document marked X4, a copy of the certified copy of the Court proceedings dated 04<sup>th</sup> July 2016).*

It is observed that this gross abuse of public funds by the MPs has reached an unimaginable scale, incurring a huge loss of revenue of over Rs 7.875 billion as the government is made to lose Rs 35 million for each vehicle in this despicable and unlawful act, while the buyer of the permit only pays Rs 1650/- for each vehicle. The tax component so defrauded is shared between the MP (Rs 25 million) and the car importer (Rs 10 million) who buys the permit *(ref: the document marked X5, presented to the Commissioner General of Motor Vehicles providing the details of the vehicles imported on these permits so far).*

#### **Observations made by the UN on the failure of the rule of law in Sri Lanka**

You will observe that the absence of accountability process in this country has already come under scrutiny by the United Nations Human Rights Council, compelling the Government of Sri Lanka to concede that the people have no trust and confidence in the administration of justice and persuading it to co-sponsor the Resolution (A/HRC/RES/30/1) passed on 01<sup>st</sup> Oct 2015 in Geneva, Switzerland *(ref: the copy of the resolution marked X6 enclosed herewith).*

It is regretted to mention that the Government of Sri Lanka has been forced into this embarrassing position and disrepute, due to the failures of this nature (as depicted in this complaint) by those who hold high public offices at the expense of the general public.

By the foregoing, you will also observe, how the lawmakers of Sri Lanka have become lawbreakers and how their deceitful actions of this nature are being shielded by the ignorance and inaction of the CIABOC, plainly betraying the trust placed in it by the people of Sri Lanka.

Therefore, on behalf of the people of Sri Lanka, it is hereby requested the Commission to;

- a. order an immediate investigation into the abuse of office by Mrs Dilruskshi Wirckaramasinghe, the Director General, for ignoring her statutory duty, which renders her incapable of performing the office of the Director General of the CIABOC
- b. initiate a credible investigation in terms of Section 4 of the Act No 19 of 1994, into the complaint dated 26<sup>th</sup> Aug 2016 made against the corrupt MPs for the abuse of their office for unjust enrichment.

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