

To: The Commission to Investigate Allegations of Bribery or Corruption

From: Ahimsa Wickrematunge

Date: 21 February 2020

Subject: Complaint of Corruption by officers of the Criminal Investigation Department attempting to aid suspect Udayanga Weeratunga to escape justice

On 7 February 2018, acting under case number B 639/2015, Hon. Colombo Fort Magistrate Lanka Jayarathna issued a warrant of arrest for former Sri Lankan Ambassador to Sri Lanka Mr. Udayanga Weeratunga (NIC: 640820900V), in terms of Section 63 of the Code of Criminal Procedure Act.

In order to execute the warrant, Chief Inspector Nihal Francis, then of the Financial Crime Investigation Division (FCID), in consultation with his superiors and the Hon. Attorney General's Department, sought the assistance of the Ministry of Defence to seek the extradition of Mr. Weeratunga to Sri Lanka, from the United Arab Emirates, where he was residing.

In or around November 2015, the said FCID was subsumed into the Criminal Investigation Department (CID) of the Sri Lanka Police, on a directive of the Acting Inspector General of Police.

On or around 21 January 2020, the present Director of the CID, Senior Superintendent of Police W. Thilakaratne was formally notified by the Directorate General for the Federal Criminal Police of the United Arab Emirates (UAE) that the Federal Supreme Court of the UAE had ruled to allow the extradition of Mr. Weeratunga to Sri Lanka, in terms of the lawful extradition request submitted by the government of Sri Lanka flowing from the warrant issued by the Colombo Fort Magistrates Court.

Instead of responding to the request by the UAE's Federal Criminal Police to make arrangements for the repatriation of Mr. Weeratunga, CID Director Thilakaratne instead appraised himself of the evidence that had been gathered against Mr. Weeratunga by Chief Inspector Francis' investigation, and thereafter retaliated against Mr. Francis by requesting that he be punitively transferred out of the CID, a request that was granted on 29 January 2020. The CID thereafter made no attempt to respond to the UAE government regarding the repatriation of Mr. Udayanga Weeratunga to Sri Lanka.

On or about 10 February 2020, Mr. Thilakaratne was informed by a very senior official at the Ministry of Defence that Mr. Weeratunga was under incarceration in Abu Dhabi and facing grave physical hardship. He was instructed to immediately make arrangements to bring the suspect to Sri Lanka and ensure he was enlarged on bail without being placed in remand.

Thereafter, Mr. Thilakaratne obtained the approval of the Acting IGP and the Ministry of Defence for two CID officers to travel to the UAE, take custody of Mr. Weeratunga and return him to Sri Lanka. Once CID officers had returned Mr. Weeratunga to Sri Lanka, Mr. Thilakaratne, accompanied by other CID officers including Mr. Emil Ranjan Lamahewa, Assistant Superintendent of Police, personally produced Mr. Weeratunga before the Colombo Fort Magistrate, Hon. Ranga Dissanayake.

At no time did Mr. Thilakaratne inform the Hon. Attorney General's Department that the suspect Mr. Weeratunga had been returned to the country, or that they were to produce him before the Hon. Fort Magistrate. When Mr. Weeratunga was produced before Hon. Ranga Dissanayake, he voluntarily elected not to have an attorney-at-law present to represent him and make a bail application, which was a

significant indication that he verily believe that he would be enlarged on bail without needing to make such an application.

When the suspect was produced on the evening of 14 February 2020, Mr. Thilakaratne told Hon. Ranga Dissanayake that the CID would not be objecting to bail for the suspect, as officers required more time to conduct investigations in order to determine whether he was guilty of any wrongdoing. Neither Mr. Thilakaratne nor any of the other several CID officers present, filed with the Magistrate the certificate described by Section 8(1) of the Offences Against Public Property Act to the effect that the monetary value of the public property allegedly cheated by Mr. Weeratunga was in excess of Rs. 25,000. This is notwithstanding the fact that the police have previously and repeatedly noted in reports filed before the Colombo Fort Magistrates Court under Case Number B 639/2015 that the sum misappropriated was in excess of US \$6.9 million.

Despite Mr. Thilakaratne seeking to discharge the suspect, Hon. Ranga Dissanayake on his own volition ordered that the suspect be remanded until 17 February 2020. These facts will be recorded in the proceedings of court for 14 February 2020 under case B 639/2015.

On 17 February 2020, when the suspect was produced in public before the Colombo Fort Magistrates Court, CID officers again failed to produce the certificate under Section 8(1) of the Offences Against Public Property Act. Hon. Ranga Dissanayake publicly reprimanded the CID officers, and cast suspicion on the sudden transfer of Mr. Nihal Francis, who he said had conducted a diligent and remarkably thorough investigation of this matter over a five year period.

Hon. Ranga Dissanayake highlighted that the CID seemed to be behaving in a manner partial to the suspect and not to justice, and publicly chastised the CID and its director, Mr. Thilakaratne.

I have followed the alleged crimes of Mr. Weeratunga that were investigated by Mr. Francis for over ten years, as they formed the basis for civil litigation brought against my father, who himself had investigated these matters in his capacity as Editor-in-Chief of The Sunday Leader newspaper, and I am very familiar with the facts of the case and the bulk of evidence available against Mr. Weeratunga.

Therefore, I firmly believe that were CIABOC to peruse the case record of B 639/2015, call for records from the CID pertaining to the extradition of Mr. Weeratunga and the transfer of Mr. Francis, and interview individuals familiar with the facts such as Hon. Ranga Dissanayake, DSG Thusith Mudalige and CI Nihal Francis, sufficient evidence would emerge to charge and convict CID officers including Mr. Thilakaratne, with intent to confer a wrongful and unlawful benefit, favour or advantage on Mr. Udayanga Weeratunga, of:

1. Doing and forbearing several acts which they were empowered to do by virtue of their office as a public servant, to wit - (a) the irregular request to the AIGP that CI Nihal Francis be removed from the CID, and (b) the failure to properly produce Mr. Weeratunga before the Magistrates Court and seek his remand in terms of the Offences Against Public Property Act;
2. Using information coming to their knowledge by virtue of their office as a public servant, to wit - (a) knowledge that the government of the UAE were prepared to extradite Mr. Weeratunga to Sri Lanka; and (b) knowledge that a large body of evidence existed against Mr. Weeratunga for having committed grave financial crimes against the State;

The body of evidence discovered should thus be more than adequate to seek the conviction of the relevant police officers for the offence of corruption, in terms of Section 70 of the Bribery Act. I strongly urge CIABOC to open an investigation into this matter in the public interest.

As the daughter of the late Mr. Lasantha Wickrematunge, it is also my responsibility to state that it is incumbent on CIABOC to take whatever steps necessary in terms of the Assistance to and Protection of Victims of Crime and Witnesses Act (APVCWA) to shield those potential witnesses to these offences, who have risked themselves in pursuit of justice and may face professional or physical retaliation for their efforts. These persons include Hon. Ranga Dissanayake, Deputy Solicitor General Thusith Mudalige, Senior State Counsel Udara Karunatilake, and Chief Inspector Nihal Francis.

This plea is consistent with my previous pleading in a civil matter in another jurisdiction that I firmly believe that my father's murder stemmed from his efforts to investigate the crimes with which Mr. Weeratunga is charged. The CID has revealed, since 2015, that at least three additional people were killed in an attempt to cover up my father's murder.

The MiG corruption scandal has already claimed too many lives. I believe that those responsible must be brought to justice and the matter must be laid to rest, once and for all. An immediate, thorough and impartial investigation by CIABOC may be the only way to prevent the present CID leadership from releasing Mr. Weeratunga and his coconspirators of responsibility for their crimes.

Available Documents

1. Arrest warrant issued by Hon. Colombo Fort Magistrate on 7 February 2018 stating charges under the Offences Against Public Property Act.
2. Press Coverage of the proceedings of Case B 639/2015 in the Colombo Fort Magistrates Court on 17 February 2020
 - a. http://www.dailymirror.lk/breaking_news/When-producing-Weeratunga-CID-acted-unusually-Fort-Magistrate-reprimands/108-183281
 - b. <https://economynext.com/fort-magistrate-questions-why-officer-probing-mig-case-has-been-transferred-51582/>
 - c. <https://www.newsfirst.lk/2020/02/17/udayanga-weeratunga-further-remanded/>

WARRANT OF ARREST IN THE FIRST INSTANCE
(Issued in terms of Section 63 of the Code of Criminal
Procedure Act No. 15 of 1979.)

To: *Officer-in-Charge,*
Financial Crime Investigation Division

In the Magistrate's Court of *Colombo Fort.*

Whereas complaint hath this day been made before the undersigned, a Magistrate in and for the said division of *Colombo Fort.* for that ***Udayanga Weeratunga***, citizen of *Sri Lanka* and holding *National Identity Card Number 640820900V*, (former Ambassador of *Sri Lanka* to the *Russian Federation / Ukraine*) at one point of time holding *Sri Lankan Diplomatic Passport Number D3643585* and a *Regular Passport Number N5400885*, which are both impounded on an order issued by this Court on *June 30, 2017*, of *No. 79, Kanaththa Road, Thalpathpitiya, Sri Lanka* did during the period *February 6, 2006* to *February 17, 2010*, in *Colombo, Sri Lanka* (within the division aforesaid), and elsewhere, voluntarily commit *Cheating, Criminal Breach of Trust, Forgery for the Purpose of Cheating*, and that he along with others thereby committed offences punishable under *Sections 400, 389 and 457 of the Penal Code and Offences Against Public Property Act*, and the offence of *Money Laundering* in terms of *Section 3 of the Prevention of Money Laundering Act*: and oath being now made before me substantiating the matter of such complaint:

These are therefore to command you forthwith to apprehend the said ***Udayanga Weeratunga*** and bring him before the Magistrate's Court of *Colombo Fort* to answer to the said complaint, and to be further dealt with according to law.

Given under my hand on this 7th day of *February 2018* at *Colombo Fort* in the division aforesaid.



Magistrate

LANKA JAYARATHNA
MAGISTRATE
FORT MAGISTRATE'S COURT
COLOMBO - 02.