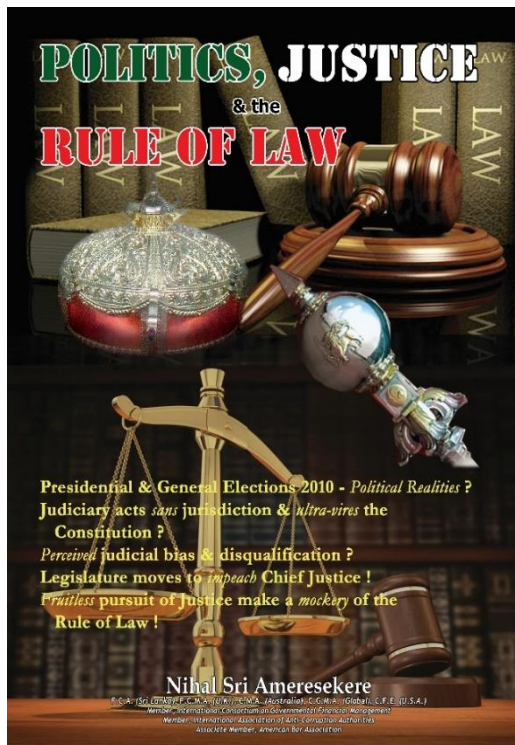


Synopsis of

POLITICS, JUSTICE & the RULE OF LAW

Google Books - ['Politics, Justice & the 'Rule of Law'](#)

<http://www.consultants21.com/page-1-public-interest-litigations.php>



Size - 8.25" X 11" – Pages 822

life experiences of the Author, revealing the realities of socio-political duplicity and hypocrisy, with violations of the Constitution of Sri Lanka, and the denial of natural justice and the making a *mockery* of the rule of law; with sheer disregard to the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and the UN Convention Against Corruption.

In this voluminous Book, the Author has explicitly dealt with a variety of subjects and litigations, to afford in the public interest, revelations of factual realities, prevalent both in public and private sectors, including among professionals, and in the political arena, law enforcement authorities and the judiciary; with the lack of protection for foreign investors, who are invited to invest.

The Author reveals incisively much of his true to life experiences during his associations with politicians, over several decades, in *dabbling* in political activities, and whilst discharging duties and functions, as a professional whilst holding political appointments in the public sector; also at the same time revealing experiences in the private sector, as a professional, and in public interest litigations.

The foregoing variety of interesting revelations discloses very many instances of valuable true to

J. R. JAYEWARDENE, M.P.



ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ
නියෝජිත මන්ත්‍රණ මණ්ඩලය
House of Representatives

20th March, 1970.

Mr. Nihal Sri Ameresekere is known to me since his childhood. He is a young man of excellent character and conduct. I can without any hesitation recommend him for any post of responsibility.



N.G.P. Panditharatne and Dr. Gamini Wijesekere with the Author



Mr. Richard H. Brown,
Director, USAID,
350, Galle Road,
Colombo 3.

Dear Mr. Brown,

Promotion of Private Infrastructure Project (383-0118)

This is to affirm our approval of the Center for Financial Engineering in Development, Washington, as the Main Contractor and Comintax Management Service Ltd., as the Sub-Contractor for the abovementioned PFI Project.

Mr. Nihal Sri Amerasekera of Comintax Management Service Ltd., has functioned successfully as the lead Consultant on the Privatization of the Transport Boards and has discharged his duties and responsibilities, adhering to scheduled deadlines, to our satisfaction.

Yours sincerely,

R. Puskajalingam
Secretary, Ministry of Finance
& Ministry of Policy Planning

දුරකථන අංකය 433215
දුරකථන අංකය 433926

ප්‍රධාන මාන්වර්ග
PRIME MINISTER'S OFFICE

Dear Nihal,

This is to acknowledge with thanks the receipt of your letter dated 13.05.93 conveying your felicitations and good wishes on my appointment to the office of Prime Minister of Sri Lanka.

It is very kind of you to have remembered me. I need your co-operation and assistance in our effort to achieve peace, harmony and prosperity.

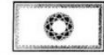
With kind regards,

Yours sincerely,

[Signature]
Ranil Wickremesinghe
PRIME MINISTER

Mr Nihal Sri Amerasekera
1674 Sri Vipulasena Mawatha
Colombo 10.

June 1, 1993



ශ්‍රී ලංකා ජනාධිපති
සභාවලය, කොළඹ 05
President of Sri Lanka

Mr Nihal Sri Amerasekera
Chairman
Public Enterprises Reform Commission

Dear Mr Amerasekera,

I have for acknowledgement your letter of 10 November 2005, informing me of your intention to resign from the post of Chairman of the Public Enterprises Reform Commission. I write to inform you that your resignation is hereby accepted with effect from 30 November 2005.

I take this opportunity to place on record my appreciation of the tremendous amount of work done by you as Chairman, PERC, during your short tenure of office. I thank you for rendering an excellent and professional service in finalizing a large number of complex assignments coming within the purview of PERC.

I wish you all the very best and success in your future endeavours.

Yours sincerely,

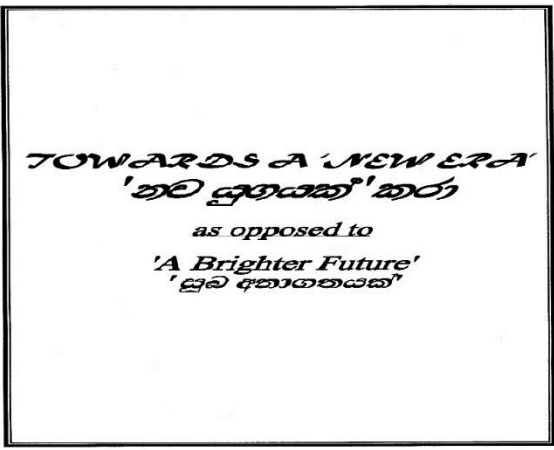
[Signature]
Chandrabhoke Kumararatne
PRESIDENT
15 November 2005.

ශ්‍රී ලංකා සමාජවාදී ජනරජය
Democratic Socialist Republic of Sri Lanka

Having afforded an overview, *inter-alia*, of his experiences in associations with politicians, the Author reveals, as to how he came to get involved in playing an active role *behind the scenes*, in the Presidential Election of January 2010, disclosing some significant revelations.

The Author had supported General Sarath Fonseka, *one time hailed as the Best Army General in Asia*, and who had led the Armed Forces to completely eliminating terrorism in Sri Lanka by *crushing* a terrorist organization, known to have been the then most feared terrorist organization in the world ! *Many countries are yet struggling to accomplish such a feat !*

The Author, together with other core group, comprising, Ranil Wickremesinghe, Sarath N. Silva, K. Kanang-Isvaran, Somawansa Amarasinghe, Ravi Karunanayake, Anura Kumara Dissanayake and M.A. Sumanthiran, had assisted to formulate the proposed Policy Framework, including an interim Amendment to the Constitution for the co-habitation between the Executive President and the Prime Minister.



Having been the Common Candidate of the Opposition, General Sarath Fonseka had contested the incumbent President Mahinda Rajapaksa, his onetime friend and colleague. General Sarath Fonseka, who was the principal candidate challenging President Mahinda Rajapaksa for the *Presidency*, on the night of the very Election, had been forcefully restricted to be *'virtually imprisoned'* besieged by Armed Forces in a leading 5 Star Hotel in the City of Colombo, together with his hierarchical political activists and organizers involved in his Election.



To achieve the above, on the night of the Presidential Election, 5 Divisions of the Armed Forces had been moved in to the City of Colombo, which had been disclosed by General Sarath Fonseka to a few group of persons, the night before the Election Day, he having received *prior information* of such *undemocratic act*, which had compelled him to move into the precincts of the 5 Star Hotel.

Thus, General Sarath Fonseka was *prevented from freely moving about* and *denied his legitimate right to oversee the Ballot counting process of his owned election* ! The Author revealingly speculates, as to whether or not General Sarath Fonseka had indeed actually won the Presidential Election of January 2010 ?

Intriguingly, the total polling at the Presidential Election had been 10.39 Mn., voters, whilst at the General Election conducted less than 3 months thereafter, the total polling had been 8.03 Mn., voters, a shortfall of 2.36 Mn., voters, whereas would it not have been expected that at a General Election, with so many Candidates contesting, to have had a greater number of voters polling ? – viz:

PRESIDENTIAL ELECTION - 26th January, 2010

ALL ISLAND RESULTS		
Candidate	Votes	%
Mahinda Rajapakse (UPFA)	6,015,934	57.88
Sarath Fonseka (DNA)	4,173,185	40.15
Others	204,494	1.97
<i>Valid Votes</i>	<i>10,393,613</i>	<i>99.03</i>
<i>Rejected Votes</i>	<i>101,838</i>	<i>0.97</i>
<i>Total Polled</i>	<i>10,495,451</i>	<i>74.49</i>
<i>Registered Electors</i>	<i>14,088,500</i>	

PARLIAMENTARY GENERAL ELECTION - 8th April, 2010

ALL ISLAND RESULTS			
PARTY NAME	Votes	%	SEATS
United People's Freedom Alliance (UPFA)	4,846,388	60.33	144
United National Party (UNP)	2,357,057	29.34	60
Democratic National Alliance (DNA)	441,251	5.49	7
Illankai Tamil Arasu Kadchi	233,190	2.90	14
Other Parties / Groups	155,389	1.80	
<i>Valid Votes</i>	<i>8,033,717</i>	<i>93.08</i>	
<i>Rejected Votes</i>	<i>596,972</i>	<i>6.92</i>	
<i>Total Polled</i>	<i>8,630,689</i>	<i>61.26</i>	
<i>Registered Electors</i>	<i>14,088,500</i>		

Would not such enforced and undemocratic isolation or virtual imprisonment, *alone*, preventing General Sarath Fonseka from exercising his legitimate right to supervise the counting of the Ballots casts of his own election, have been *adequate grounds* for the Supreme Court Bench, presided by Justice Shirani Bandaranayake, to have upheld his Election Petition, and have *annulled* the Presidential Election ? Supreme Court, presided by Chief Justice, *did not consider that it was adequate justification for such an annulment?*

"Dayananda subjected to pressure" Officials, agents chased out of counting centres: Opp. Intimidation at counting centers accuses Ranil

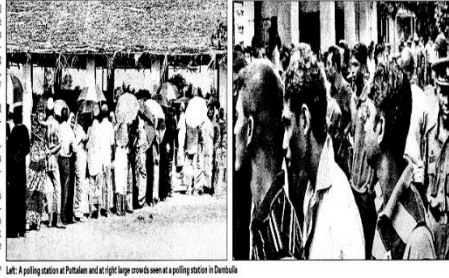
While polling proceeded between 7 am and 4 pm on election day in most places in a peaceful and non-intimidatory atmosphere, the situation was different at several counting centres that



had gathered at the counting centres to observe proceedings and permitted only their own supporters to remain. The opposition has appointed a special team to gather details of

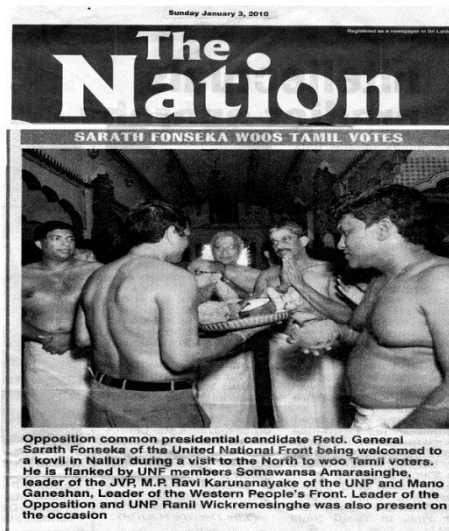
results. His speech on occasion was quite different from the speeches he made on such occasions. Wickremesinghe's ment said that the Commissioner's speech suggested that something

Nearly four days after the presidential election, opposition parties were in the process of gathering evidence on election irregularities and violations which occurred in various parts of the country during the polls as well as at counting centres where counting agents were reportedly chased away. The opposition charged officials and agents were chased out of the counting centres of gun parties by goons. Counting agents in the Gampaha, Puttalam and Mannar districts lodged complaints with the Department of Elections and election machines. However, complications have arisen as the agents were appointed from various political parties and were not in a position to gather the complaints lodged immediately as the complaints had been lodged by the agents and not through the political parties. **Jayantha Weerakul, Perera (JVP) MP**



Left: A polling station in Puttalam and at right large crowd is seen at a polling station in Batticaloa

With many interesting revealing anecdotes and roles played by the Author in the above Presidential Election activity, an important one had been in assisting to bring about an understanding between General Sarath Fonseka and the Tamil National Alliance, with the objective of achieving reconciliation and peace, after the war on terrorism had ended in January 2009. In such context, the Author had accompanied General Sarath Fonseka to campaign in Jaffna, the Tamil dominated Northern Sri Lanka; *with the Author having once enjoyed a considerable Tamil Clientele from Jaffna, as disclosed in the early part of this Book – viz:*



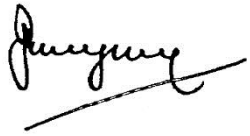
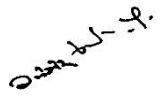
Shortly after the Presidential Election, General Sarath Fonseka had been *forcibly dragged* from his Political Office by a group of Armed Forces, and taken into custody and *incarcerated*, denying him his fundamental rights and freedom. Nevertheless, he contested successfully from the Colombo District and was elected a Member of Parliament of Sri Lanka, and was brought under military escort to attend Sessions of Parliament.

In the meanwhile, two Court Marshals had been *constituted* by President Mahinda Rajapaksa, with 3 Charge Sheets, and heard *expeditiously* by these two Court Marshals. Given below are the 3 Charge Sheets.

CHARGE SHEET - I

The Accused O/50536 General GSC Fonseka RWP RSP VSV USP rcds psc is charged with:


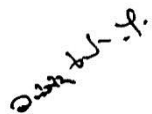
<p>1ST CHARGE Sec 124 of the Army Act</p> <p>2ND CHARGE Sec 102 (1) of the Army Act</p> <p>3RD CHARGE Sec 102 (1) of the Army Act</p> <p>10th March 2010</p>	<p>TRAITOROUS / DISLOYAL WORDS</p> <p>In that you O/50536 General GSC Fonseka being an officer of the Regular Force of the Sri Lanka Army whilst on active service, serving as the Chief of Defence Staff and being a member of the Security Council between 01st day of October 2009 and 14th day of November 2009 during a telephone conversation you had with Mr. Johnston Fernando did use words disloyal regarding the sovereign to the effect, 'coming to Sri Lanka after having given evidence required by the American Government concerning the war and having put the Government and the Army's victories into embarrassment. Coming to contest as the Candidate at the Presidential Election. Arriving at the Airport as a hero. Be in readiness to welcome', and did thereby commit an offence punishable under Section 124 of the Army Act No. 17 of 1949 (Chapter 357) of the Legislative Enactment of Sri Lanka (Ceylon)</p> <p>NEGLECT TO OBEY GARRISON OR OTHER ORDERS</p> <p>In that you O/50536 General GSC Fonseka being an officer of the Regular Force of the Sri Lanka Army whilst on active service, serving as the Chief of Defence Staff and being a member of the Security Council between 01st day of October 2009 and 14th day of November 2009 did engage yourself in political activities by soliciting the support of the Member of Parliament Johnston Fernando to have your name proposed as the Presidential candidate at the Working Committee of the United National Party a registered political party and thereby contravened para 01 of Army Order 13/79 pertaining to "Exercise of political rights of all ranks in the Army" Reference No G/INT/157(1) dated 27th December 1979 which is annexed as "X1" to this charge sheet and did thereby commit an offence punishable under Section 102(1) of the Army Act No. 17 of 1949 (Chapter 357) of the Legislative Enactment of Sri Lanka (Ceylon)</p> <p>NEGLECT TO OBEY GARRISON OR OTHER ORDERS</p> <p>In that you O/50536 General GSC Fonseka being an officer of the Regular Force of the Sri Lanka Army whilst on active service, serving as the Chief of Defence Staff and being a member of the Security Council between 01st day of October 2009 and 14th day of November 2009 did engage yourself in political activities by having political discussions with the member of Parliament Lakshman Senevirathne to the effect with regard to your political career in the future and did thereby contravene para 01 of the Army order 13/79 pertaining to "Exercise of political rights of all ranks in the Army" Reference No G/INT/157(1) dated 27th December 1979 which is annexed as "X1" to this charge sheet and did thereby commit an offence punishable under Section 102(1) of the Army Act No. 17 of 1949 (Chapter 357) of the Legislative Enactments of Sri Lanka (Ceylon)</p> <p>To be remanded for trial by General Court Martial</p>
---	--

<p>10th March 2010</p>	 <p>J. JAYASURIYA USP ndu psc Lieutenant General Commander of the Army</p> <p>To be tried by General Court Martial</p>  <p>MAHINDA RAJAPAKSA President of the Democratic Socialist Republic of Sri Lanka</p>
-----------------------------------	--

CHARGE SHEET – No. II

The Accused O/50536 General GSC Fonseka RWP RSP VSV USP rcds psc is charged with:


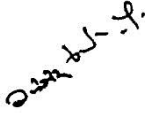
<p>1ST CHARGE Sec 109 (e) of the Army Act</p>	<p>DISGRACEFUL CONDUCT</p> <p>In that you O/50536 General GSC Fonseka being an officer of the Regular Force of the Sri Lanka Army whilst on active service being the Commander of the Sri Lanka Army served as Chairman of the Tender Board pertaining to the procurement of Day Vision Binoculars (234 Nos) under reference No. 2.14.1 -788 from M/S British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., and awarded the tender to the British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., on or about 6th day of November 2007 in the knowledge of the fact that your son-in-law Danuna Thilakaratne had an interest or concern with the M/S Hicorp (Pvt) Ltd., aforesaid which relationship if disclosed, would have required you to disassociate yourself from the tender process in accordance with paragraph 1:4:2 and 1:4:3 of the Procurement Guidelines of 2006, and that you concealed the said relationship up to the date of your retirement on the 14th November 2009 and thereby you did commit a fraudulent act punishable under Section 109 of the Army Act No. 17 of 1949 (Chapter 357) of the Legislative Enactments of Sri Lanka (Ceylon)</p>
<p>2ND CHARGE Sec 109 (e) of the Army Act</p>	<p>DISGRACEFUL CONDUCT</p> <p>In that you O/50536 General GSC Fonseka being an officer of the Regular Force of the Sri Lanka Army whilst on active service being the Commander of the Sri Lanka Army served as Chairman of the Tender Board pertaining to the procurement of 12V Maintenance Free Batteries (50 Nos) under reference No. 2.14.1 -510 from M/S British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., and awarded the tender to the British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., on or about 23rd day of August 2007 in the knowledge of the fact that your son-in-law Danuna Thilakaratne had an interest or concern with the M/S Hicorp (Pvt) Ltd., aforesaid which relationship if disclosed, would have required you to disassociate yourself from the tender process in accordance</p>

<p>24th March 2010</p>	<p>with paragraph 1:4:2 and 1:4:3 of the Procurement Guidelines of 2006, and that you concealed the said relationship up to the date of your retirement on the 14th November 2009 and thereby you did commit a fraudulent act punishable under Section 109 of the Army Act No. 17 of 1949 (Chapter 357) of the Legislative Enactments of Sri Lanka (Ceylon)</p> <p>To be remanded for trial by General Court Martial</p>  <p>J. JAYASURIYA USP ndu psc Lieutenant General Commander of the Army</p>
<p>31st March 2010</p>	<p>To be tried by General Court Martial</p>  <p>MAHINDA RAJAPAKSA President of the Democratic Socialist Republic of Sri Lanka</p>

CHARGE SHEET – No. III

The Accused O/50536 General GSC Fonseka RWP RSP VSV USP rcds psc is charged with:

<p>1ST CHARGE Sec 109 (e) of the Army Act</p>	<p>DISGRACEFUL CONDUCT</p> <p>In that you O/50536 General GSC Fonseka being an officer of the Regular Force of the Sri Lanka Army whilst on active service being the Commander of the Sri Lanka Army served as Chairman of the Tender Board pertaining to the procurement of 5KVA Generators (50 Nos) under reference No. DPC/2008/2.14.1-86 from M/S British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., and awarded the tender to the British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., on or about 28th day of February 2008 in the knowledge of the fact that your son-in-law Danuna Thilakaratne had an interest or concern with the M/S Hicorp (Pvt) Ltd., aforesaid which relationship if disclosed, would have required you to disassociate yourself from the tender process in accordance with paragraph 1:4:2 and 1:4:3 of the Procurement Guidelines of 2006, and that you concealed the said relationship up to the date of your retirement on the 14th November 2009 and thereby you did commit a fraudulent act punishable under Section 109 of the Army Act No. 17 of 1949 (Chapter 357) of the Legislative Enactments of Sri Lanka (Ceylon)</p>
<p>2ND CHARGE Sec 109 (e) of the Army Act</p>	<p>DISGRACEFUL CONDUCT</p> <p>In that you O/50536 General GSC Fonseka being an officer of the Regular Force of the Sri Lanka Army whilst on active service being the Commander of the Sri Lanka Army served as Chairman of the Tender Board pertaining to the procurement of VHF Direction Finders (03 Nos) under reference No. DPC/2008/2.14.1/502 from M/S British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., and awarded the</p>

<p>24th March 2010</p>	<p>tender to the British Borneo Defence - Australia through M/S Hicorp (Pvt) Ltd., on or about 23rd day of July 2008 in the knowledge of the fact that your son-in-law Danuna Thilakaratne had an interest or concern with the M/S Hicorp (Pvt) Ltd., aforesaid which relationship if disclosed, would have required you to disassociate yourself from the tender process in accordance with paragraph 1:4:2 and 1:4:3 of the Procurement Guidelines of 2006, and that you concealed the said relationship up to the date of your retirement on the 14th November 2009 and thereby you did commit a fraudulent act punishable under Section 109 of the Army Act No. 17 of 1949 (Chapter 357) of the Legislative Enactments of Sri Lanka (Ceylon)</p> <p>To be remanded for trial by General Court Martial</p>  <p>J. JAYASURIYA USP ndu psc Lieutenant General Commander of the Army</p>
<p>31st March 2010</p>	<p>To be tried by General Court Martial</p>  <p>MAHINDA RAJAPAKSA President of the Democratic Socialist Republic of Sri Lanka</p>

Having being found guilty by his former subordinates, who comprised these two Court Marshals, General Sarath Fonseka was stripped of his Ranks, with all Medals won by him for gallantry being confiscated, *denied* of his right even to receive his pension, and was sentenced to 30 Months rigorous imprisonment, resulting in him losing the Membership of the Parliament of Sri Lanka, and further *depriving him of his civic rights for period of 7 years ! That was the justice meted out !*

The Author had made a startling disclosure, that one of the Witnesses, who had given evidence against General Sarath Fonseka had been a politician, who had *figured* in a Colombo Magistrates' Court Case against 3 Suspects, concerning a serious matter, as per the "B" Report filed by the Criminal Investigation Department of the Sri Lanka Police. However, the Magistrates' Court Case Record had been suddenly called for by the Attorney General's Department for an *urgent official purpose*, and consequently, the Suspects had been *discharged !*

The Author shockingly compares the foregoing Charges against General Sarath Fonseka, with the conduct of several other persons, including where the Supreme Court had castigated several prominent persons, both in the public and private sectors, of much graver fraudulent conduct and mega corruption. Ironically, the rule of law had not been enforced in these instances by President Mahinda Rajapaksa or the law enforcement authorities, whilst one Member of Parliament so castigated by the Supreme Court, namely, Milinda Moragoda had been appointed by President Mahinda Rajapaksa to be the *Minister of Justice* of Sri Lanka! – *There was no justice meted out in these instances !*

In another High Court prosecution, as had been indicted by Hon. Attorney General, Mohan Peiris P.C., on a Statement General Sarath Fonseka is alleged to have made to a Sunday Newspaper, he was found guilty and sentenced to 3 year's rigorous imprisonment, with two High Court Judges agreeing, but with an independent High Court Judge *castigatingly* dissenting – viz:

CEYLON TODAY - Wednesday January 11, 2012

High Court Judge Waraweve urges;

Judges should deliver justice

● *Must not deliver verdicts based on vengeance*

By ISHARA RATNAKARA

High Court Judge T.M.P.B. Waraweve, who issued the dissenting judgment in the controversial 'white flag case' against former Army Chief Sarath Fonseka charged in open court yesterday that judges should not issue verdicts in hope of attaining promotions, privileges or fancy cars.

Judge Waraweve made these observations while sentencing to death two defendants in the double murders of a father and his son in Dehiwala in May 2008.

In a scathing critique of the justice system, Judge Waraweve during the sentencing said judges should not be vengeful in their verdicts and that a judge's verdict need not fall in line with the agendas of other interested parties. "Judges need to comprehend the moral implications of their verdicts and deliver verdicts that are in accordance with their conscience. They need not dispense justice in fear. The doors of hell are open to judges who deliver verdicts based on what they can get out of it, similarly those gates are closed to judges who sentence justly," Judge Waraweve added.

Elaborating further on the conduct of judges, the High Court Judge said judges must be true to the justice system in the country and not consider what personal gains they may achieve while in judicial service. "Some judges or politicians make decisions based on what gains it brings them. Judges should not be thinking about what promotions or perks they may lose while dispensing justice.

"Some judges deliver verdicts vengefully. I never do that. I have never delivered unjust verdicts believing the alternative would deprive me of perks and promotions.

Judges must adopt a middle path, things like perks and promotions should not be considerations for judges when they are delivering verdicts," Judge Waraweve told court.

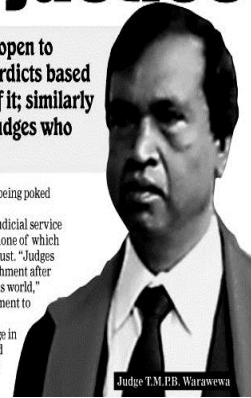
Judge Waraweve explained that during an official visit to Batticaloa he visited a temple with beautiful wall paintings that caught his eye. Looking closer the Judge said he noticed that depicted on the wall were paintings of persons wearing coats and ties and on further inspection he realized that the depictions were not of lawyers but of judges and false witnesses. "The paintings showed false witnesses having lava

The doors of hell are open to judges who deliver verdicts based on what they can get out of it; similarly those gates are closed to judges who sentence justly"

poured down their throats and corrupt judges being poked with iron rods in hell," he recalled.


Judge Waraweve added that in 28 years of judicial service he had delivered more than 40,000 judgments, none of which were against his conscience or in any way unjust. "Judges who deliver unjust verdicts will receive punishment after death even if they do not get retribution in this world," the High Court Judge said in his special statement to court.

Judge Waraweve was the only dissenting judge in the three judge High Court bench that sentenced Sarath Fonseka to three years imprisonment in the controversial white flag case.



Judge T.M.P.B. Waraweve

The above Judgment had been appealed by General Sarath Fonseka to the Supreme Court of Sri Lanka, and before such Appeal could be heard, President Mahinda Rajapaksa had granted remission of the balance prison sentences, in terms of the following Letter – viz:

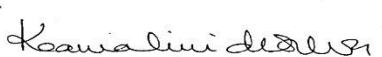
<p>දුරකථන දුරකථන අංකය Secretary } Telephone } 2449959</p> <p>වෘත්ත දුරකථන අංකය Fax } 2445447</p> <p>දුරකථන දුරකථන අංකය Telephone } 2323022</p> <p>දුරකථන දුරකථන අංකය Fax } 2320785</p> <p>Web Site: www.justiceministry.gov.lk</p>	 අධිකරණ අමාත්‍යාංශය நீதி அமைச்சு MINISTRY OF JUSTICE	<p>දුරකථන දුරකථන අංකය Secretary } 555</p> <p>දුරකථන දුරකථන අංකය Fax } 555</p> <p>දුරකථන දුරකථන අංකය Telephone } 555</p> <p>දුරකථන දුරකථන අංකය Fax } 555</p>	<p>දුරකථන අංකය දුරකථන අංකය My No } L/P/17/11(02)</p> <p>දුරකථන අංකය දුරකථන අංකය Your No. } 21.05.2012</p>
--	---	---	---

The Commissioner General of Prisons,
Prison Headquarters,
Colombo

Prisoner No.: O22032 - Sarath Chandralal Fonseka
 1. HC Colombo - Case No. 5311/2010
 2. General Court Martial – 17.09.2010

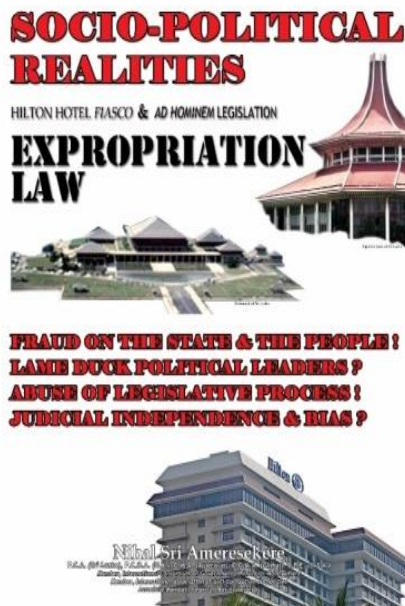
The Hon. Minister of Justice by his letter bearing No. L/P/17/11(02) dated 15.05.2012 has recommended to His Excellency the President the grant of relief to the above prisoner.

His Excellency the President in the exercise of the inherent powers vested in him under Article 34 of the Constitution has granted the remission of the balance sentences to be served by the above prisoner.


 Kamalini de Silva
 Secretary
 Ministry of Justice

Cc: The Secretary to HE the President
 The Secretary, Ministry of Rehabilitation and Prison Reforms

In another Chapter of this Book, the Author deals with the unconstitutional Special Determination by a Bench presided by Chief Justice Shirani Bandaranayake, disregarding facts presented on ‘*perceived judicial bias and disqualification*’ citing the UK House of Lords Case *re – Pinochet*, which had been dealt with in the Synopsis on the following Book by the Author - [‘Socio-Political Realities - Hilton Hotel Fiasco & Ad hominem Legislation - Expropriation Law’](#)



This Chapter deals with the manner in which his Application, for *review* and *re-examination* by a Fuller Bench of the Supreme Court of the Special Determination made on the *Ad Hominem* Expropriation Law, on grounds of violation of the Constitution, lack of jurisdiction and ‘*perceived judicial bias and disqualification*’, and with sheer disregard to the Ruling made by the Speaker of the Parliament of Sri Lanka in agreement with Leaders of all political parties, had been *appallingly* dealt with by Chief Justice Shirani Bandaranayake and the other Justices.

At that very same time, a Motion to impeach Chief Justice Shirani Bandaranayake, signed by 117 of the total of 225 Members of Parliament of Sri Lanka, containing 14 Charges, moving to impeach her, had been accepted by the Speaker of Parliament Chamal Rajapaksa – viz:



No. 220.]

ORDER PAPER OF PARLIAMENT

FOR

Tuesday, November 06, 2012 at 1.00 p.m.

—Resolution as per Article 107(2) of the Constitution for a motion of Parliament to be presented to His Excellency the President for the removal of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamillage Shirani Anshumala Bandaranayake from the office of the Chief Justice of the Supreme Court of the Democratic Socialist Republic of Sri Lanka,—

XXXXXXXXXXXXXXXXXXXXX

Therefore we, the aforementioned Members of Parliament resolve that a Select Committee of Parliament be appointed in terms of Article 107 (3) of the Constitution read with the provisions of Article 107 (2) and Standing Order 78 A of Parliament enabling the submission of a resolution to His Excellency the President for the removal of the Hon. (Dr.) (Mrs.) Upatissa Atapattu Bandaranayake Wasala Mudiyanse Ralahamillage Shirani Anshumala Bandaranayake from the office of the Chief Justice of the Democratic Socialist Republic of Sri Lanka in the event the Select Committee reports to Parliament that one or more of the charges that have been levelled have been proved after the aforesaid charges of misconduct have been investigated.

Ironically, one of the Charges in the aforesaid Motion had been *'perceived judicial bias and disqualification on her part'*; as the Author himself had asserted in his foregoing litigation. Reacting to adverse publicity in the media, Chief Justice Shirani Bandaranayake's Lawyers had issued a Letter to the *media* – viz:

NEELAKANDAN & NEELAKANDAN Attorneys-at-Law & Notaries Public Sri Lanka		K. Neelakandan Ms. S. Neelakandan S. Neelakandan
P.O. Box 749, M&N Building (Level 5), No. 2, Deal Place, Colombo 00300, Sri Lanka.		Ms. S. ThiraiRaja M. Karunan
When telephoning please ask for: Mr. K. Neelakandan	Your Ref : Our Ref : KN/SRN/F/ML/SC/206	Date: 8 th November 2012

The News Director
MTV / MDC
No.44/3, Brybrook Street
Colombo 02.

Dear Sir,

We are the Lawyers for Dr. Shirani A. Bandaranayake.

Publicity has been given in various newspapers regarding allegations against our Client.

At present, we bring the following facts regarding her bank accounts and remittances to your attention and through you, to the Public.

Our Client has been banking exclusively with the National Development Bank (NDB) since 2010. Our Client has declared all operative accounts that have assets in her declaration of assets and liabilities. The Bank has informed our Client that there are a few non-operative accounts which contain zero balances. There may be non-operative accounts in other banks which our Client operated prior to 30th October 1996, which our Client believes have been closed.

Our Client was appointed a Judge of the Supreme Court on 30th October 1996. Since then no money whatsoever has been remitted to our Client from abroad or from this country save and except from her immediate family (inclusive of her sister) and her official remuneration.

Our Client's sister and her husband, who are employed as professional engineers in Australia, reserved an apartment (for purchase by them) when they were in Sri Lanka. Thereafter from time to time, our Client's sister (through her Australian bank) remitted sums of Australian dollars for the purchase of the Apartment. This was later converted to Sri Lankan Rupees by NDB. In Sri Lankan Rupees it was approximately Rs.27 Million. Our Client, by cheques, directly remitted to the seller in installments a sum of approximately Rs 27 Million. The Bank has confirmed these transactions.

Yours faithfully,
[Signature]

SC2564MTP/06/06

Telephone: +94-11-2371100 | Fax: +94-11-23711122 | E-mail: mlaw@neelaw.lk | Website: www.neelaw.lk

- 2 -

The Speaker of Parliament, Chamal Rajapaksa, in terms of the Constitution of Sri Lanka, had appointed the following Members of Parliament to a Parliamentary Select Committee, to conduct investigations into the Charges made against Chief Justice Shirani Bandaranayake:

- Anura Priyadarshana Yapa, Attorney-at-Law, Minister of Environment – *as Chairman*
- Nimal Siripala De Silva, Minister of Resources Management & the Leader of the House of Parliament
- Susil Premajayantha, Attorney-at-Law, Minister of Petroleum Industries
- Rajitha Senaratne, Minister of Fisheries & Aquatic Resources Development
- Dilan Perera, Minister of Foreign Employment Promotion & Welfare
- Wimal Weerawansa, Minister of Construction, Engineering Services, Housing & Common Amenities
- Neomal Perera, Deputy Minister of External Affairs
- John Amaratunga, Attorney-at-Law
- Lakshman Kiriella, Attorney-at-Law
- Rajavaroatham Sampanthan, Attorney-at-Law
- Vijitha Herath, Member of Parliament

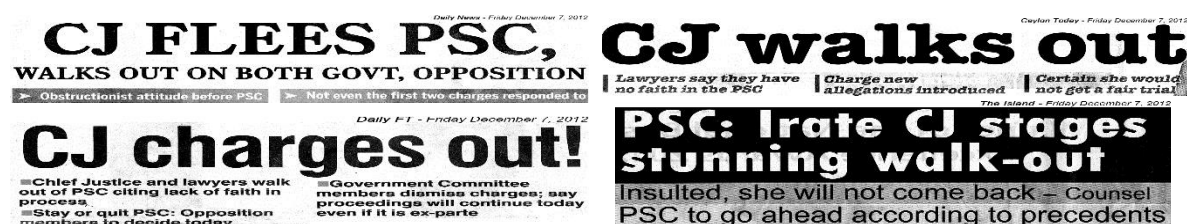
Ironically, President's Counsel D.S. Wijesinghe, Senior Legal Advisor to President Mahinda Rajapaksa, had *vehemently* objected to the Author's Written Submissions, *inter-alia*, of *'perceived judicial bias and disqualification'* made against her in his aforesaid litigation *being made public* ! However, after the aforesaid impeachment Motion, the matter became a *media spectacle* and a public controversy.



The endeavours by the Parliament of Sri Lanka were challenged before the Supreme Court and the Court of Appeal of Sri Lanka by Chief Justice Shirani Bandaranayake. Nevertheless, the Parliamentary Select Committee proceeded with the investigations, with the Speaker of Parliament of Sri Lanka Ruling that Court Notices are *invalid* !

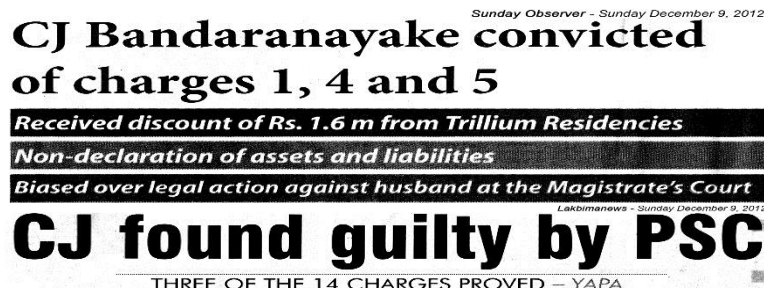
In connection with the foregoing, the Author in the context of the experience he had faced in his litigation in the public interest referred to hereinbefore, had submitted an Affidavit to the Speaker of Parliament of Sri Lanka, to be submitted to the Parliamentary Select Committee, setting out facts pertaining to the experience he had faced before Chief Justice Shirani Bandaranayake in his public interest litigation. The Parliamentary Select Committee had called for the Supreme Court Record in the Author's Cases referred to.

Thereafter, Chief Justice Shirani Bandaranayake and her Lawyers, who had participated in the Parliamentary Select Committee, *suddenly* had walked out of the proceedings of the investigation !



Nevertheless, the Parliamentary Select Committee had gone onto record evidence from the following persons, and had presented the Committee's Report to the Speaker of Parliament, finding Chief Justice Shirani Bandaranayake guilty of 3 Charges.

- Shiranee Tilakawardane, Supreme Court Judge (*The next senior most Supreme Court Judge*)
- Lalith Weeratunga, Secretary to President Mahinda Rajapaksa
- Duminda Prabath Mudunkotuwa, Registrar, the Supreme Court
- Amitha Chandrasekara, Registrar, Colombo Magistrate's Court
- Janaka Rathnayake, Chief Executive Officer, Trillium Residencies Co. Ltd.
- Aroshi Perera, Notary Public
- Russel De Mel, Chief Executive Officer, National Development Bank
- Ajith Nivard Cabraal, Governor, Central Bank of Sri Lanka
- D.K. Abeygunawardena, Legal Director, Trillium Residencies Co. Ltd.
- Mallika Samarasekara, Commissioner General, Inland Revenue Department
- Deepani Herath, Commissioner, Tax Policies, Inland Revenue Department
- H.M. Hennayake Bandara, General Manager, National Savings Bank
- K.B. Rajapaksha, General Manager, People's Bank
- M.L.B. Silva, Asst. General Manager, People's Bank
- D.M. Gunasekara, Actg. Asst. General Manager, Bank of Ceylon
- W.A. Chulananda Perera, Controller of Department of Immigration & Emigration
- Sisira Parana Thanthri, Chief Editor, Rivira
- Manjula Thilakarathne, Secretary, Judicial Services Commission



In the context of *interferences* by several international Institution and Agencies, the Author had addressed several communications to the following:

UN Office for Human Rights
 Commonwealth Secretary General
 Commonwealth Law Association
 Commonwealth Magistrate's & Judge's Association
 Commonwealth Legal Education Association
 American Bar Association

US State Department
 European Union
 International Commission of Jurists
 United Kingdom Bar Association
 Canadian Bar Association
 Asian Legal Resource Centre

Justification for the Author's supporting of the impeachment of Chief Justice Shirani Bandaranayake had been set out by him in a lucid Statement and is given as a part of Synopsis of the Book '[Socio-Political Realities - Hilton Hotel Fiasco & Ad hominem Legislation - Expropriation Law](#)' and at Blog : www.justification-for-supporting-the-impeachment-of-chief-justice.com



In another Chapter in this Book, the Author deals with the *explosive* subject of kidnapping of a Sri Lankan Tamil Businessman and Australian National, who had been a leading Sugar importer and had consulted the Author regarding a Customs inquiry. This Tamil businessman had been *abducted* outside his Residence, in the heart of Colombo in a very respected residential area, and had been missing the whole day. *This was an era of the infamous white van abductions – viz:*

KALA TRADERS (PVT) LTD
 Importers & Distributors

Tel: 2343218, 2343219
 Fax: 2343293

No.151, Dam Street,
 Colombo - 12,
 Sri Lanka.

His Excellency Mahinda Rajapakse,
 President of Sri Lanka,
 President's House,
 Janadhipathi Mawatha,
 Colombo 1

3rd October 2006

Your Excellency,

I am the wife of N. Sriskandarajah, who is the Managing Director of his business Kala Traders. We have 2 children, a daughter 23 years and a son 20 years. Both of them are studying in Australia.

My husband left home on 20th July 2006 in the morning to go to his Office and did not return in the evening. I was informed that he had not gone to his office.

I was very anxious and worried and made a Complaint to the Cinnamon Gardens Police Station that night.

Thereafter, in the night some staff in our Office had got through to my husband's mobile phone which was not answering the whole day. Some person had answered and given the phone to my husband who had quickly said that he was in Batticaloa area.

2 calls to his mobile phone that night were traced to Minneriya and Medirigiriya areas by the Dialog company. After that the phone did not answer. I gave the information to the CID Officers who came to record my statement.

My husband is still missing now for 2 and half months. Our 2 children in Australia came in anxiety and worry, but I sent them back for their studies in Australia.

My husband has a dual citizenship and the Australian High Commission also met the CID.

I read from the newspapers and people have told me that the suspect recently arrested by the Kotahena Police had given details of persons taken to Minneriya and Medirigiriya areas and I suspect that my husband could be one of them.

I very humbly and gratefully anxiously appeal to Your Excellency to please direct the Police to try and search for my husband. I am very very worried. Our family will be always grateful to Your Excellency.

Your Excellency and family will be greatly blessed by the Gods to whom I am daily praying for the safe return of my husband, who is a diabetic and heart patient.

Yours very respectfully,

Y. Sriskandarajah
 Mrs. Y. Sriskandarajah

Copy to IGP, Police Headquarters

The Author knowing the then Inspector General of Police, Chandra Fernando, very well, due to official work which had been performed by the Author, had queried from him on this matter. To the Author's utter shock, the Inspector General of Police, Chandra Fernando appeared to have known of this incident, stating that it had been carried out by some armed group outside the Armed Forces, and when pressed for further information, the Inspector General of Police, Chandra Fernando had repeatedly stated "My lips are sealed", which spoke volumes !



The Author startlingly discloses, as to how he got the wife of the missing Tamil businessman to meet his friend Vasudeva Nanayakkara, who together with another politician, who had been subsequently assassinated, and both of whom had been concerned about the kith and kin of the then abducted persons. Vasudeva Nanayakkara had telephoned from the Author's Office the Defence Secretary Gotabaya Rajapaksa, who according to Vasudeva Nanayakkara, had appeared to have known about this incident ! The Author also *sheds some light* on Gotabaya Rajapaksa's absence from Sri Lanka from 1991 to 2005.

2006 Sep 29

Dear Gotabhaya,

Further to my telephone call I send you copies of the affidavit of the Sri - Skandarajah given to the CID and a letter to the Attorney General.

This will give you the background for the abduction

Vasudeva

Subsequently, *The Sunday Leader* Newspaper published details of this kidnapping, and thereafter "B" Reports had been filed in the Colombo Magistrates Court, and subsequently Hon. Attorney General had filed indictments against 5 Accused, with one accused replaced. One of the Accused had been *absconding*, and the Case had continued to be postponed and fate *unknown* ! viz:

With the Criminal Investigation Department inquiry commencing, the Lawyers of the Defendants urging for a Settlement agreeing to pay the dues to the Singaporean Company, the Commercial Cases were settled. However the criminality of the acts stood to be investigated and prosecuted.

When the Defendants Lawyers' had been summoned by the Criminal Investigation Department, they had sought the refuge of the Bar Association of Sri Lanka, to prevent them from being questioned, and thus this grave offence of *fabricated forged documents of Public Servants being tendered in Court Proceedings* had been buried ! Such only brings disrepute to Sri Lanka and its *credibility in international trading*.

Another appalling instance of adversely affecting foreign investments into Sri Lanka, is lucidly brought out by the Author, explicitly giving details in another Chapter in this Book. This discloses the defrauding since 2004 of a UK Trustee in Bankruptcy, by denying him of the legitimate transmission to him of 625,000 (34%) Shares in George Steuart & Co. Ltd., in Sri Lanka, consequent to Bankruptcy Proceedings of a British Citizen, D.P. Kanagaratnam in the UK High Court – viz:

BANKRUPTCY ORDER

IN THE HIGH COURT OF JUSTICE
IN BANKRUPTCY

REGISTRAR BAISTER

RE: DUBSY P KANAGARATNAM

UPON THE PETITION of ALI HUSSAIN ABDUL KADER
18 WANSFORD ROAD WOODFORD GREEN ESSEX IG8 7AA
a Creditor which was presented on the 21st July 2003

AND UPON HEARING Counsel for the Petitioner and Counsel for the Debtor

AND UPON READING the evidence

IT IS ORDERED that DUBSY P KANAGARATNAM OF DPK GROUP DPK HOUSE 186 CHASE SIDE SOUTHGATE LONDON N14 5HN CURRENTLY A DIRECTOR LATELY OF 19 HUXLEY PLACE PALMERS GREEN LONDON N13 be adjudged bankrupt

And the Court being satisfied that the EC Regulation does apply and that these proceedings are main proceedings as defined in Article 3 of the Regulation

DATED THIS: 14th January 2004

TIME: 11:46

IMPORTANT NOTICE TO BANKRUPT

The/ One of the/ Official Receiver(s) attached to the Court is by virtue of this Bankruptcy Order Receiver and Manager of the Bankrupt's estate. You are required to attend upon the Official Receiver of the Court at THE OFFICIAL RECEIVER, 21 BLOOMSBURY STREET, LONDON, WC1B 3SS immediately after you have received this Order. The Official Receiver's offices are open Monday to Friday (except on Holidays) from 10.00 to 16.00 hours.

ENDORSEMENT ON ORDER

The Solicitor to the Petitioning Creditor is:

Name: MIRZA AND CO SOLICITORS
Address: 216 HOE STREET
WALTHAMSTOW
LONDON
E17 3AY
Telephone: 0208 521 6333
Reference: RH/NZ/KADAR/033



I hereby certify this to
be a true copy of the original
Bankruptcy Order
for the Registrar
Solicitor for the Debtor
Court

Number 57184 Wednesday 21 January 2004 <http://www.london-gazette.co.uk> 785



The
**London
Gazette**

Registered as a newspaper
Published by Authority
Established 1665

THE LONDON GAZETTE WEDNESDAY 21 JANUARY 2004 829

KANAGARATNAM, Dubsy P, of Dpk Group Dpk House 186 Chase Side Southgate London N14 5HN of Dpk Group Dpk House 186 Chase Side Southgate London N14 5HN currently a Director currently a Director lately of 19 Huxley Place Palmers Green London N13 lately of 19 Huxley Place Palmers Green London N13. Court—HIGH COURT OF JUSTICE. Date of Filing Petition—21st July 2003. No. of Matter—6057 of 2003. Date of Bankruptcy Order—14th January 2004. Whether Debtor's or Creditor's Petition—Creditor's. Official Receiver—2 Bloomsbury Street London WC1B 3SS (2004)

With Sri Lanka having had many foreign Shareholders in Companies since the British Colonial era, particularly in the Plantation Sector, there had been regular transmission of Shares, which had been administratively recorded and registered by the Secretaries of the respective Companies. This had been the normal practice and procedure.

However, in this instance, consequent to the above Bankruptcy Proceedings and the transmission of the 625,000 Shares by the operation of law, was not registered in the Share Register by the Board of Directors of George Steuart & Co. Ltd., acting in collusion with the Bankrupt D.P. Kanagaratnam and the Company Secretary – viz:

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

IN BANKRUPTCY

CASE NO 6057 OF 2003

IN THE MATTER OF DUBSY PRABHASARAN KANAGARATNAM
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BEFORE THE HONOURABLE MR JUSTICE HENDERSON
DATED 14TH JUNE 2007

BETWEEN:

MICHAEL SOLOMONS
(Trustee in bankruptcy of the Estate of DUBSY PRABHASARAN
KANAGARATNAM) Applicant
-and-
DUBSY PRABHASARAN KANAGARATNAM Respondent

ORDER

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

IN BANKRUPTCY

CASE NO 6057 OF 2003

IN THE MATTER OF DUBSY PRABHASARAN KANAGARATNAM
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BEFORE THE HONOURABLE MR JUSTICE HENDERSON
DATED 14TH JUNE 2007

BETWEEN:

MICHAEL SOLOMONS
(trustee in bankruptcy of the Estate of DUBSY PRABHASARAN KANAGARATNAM) Applicant
-and-
DUBSY PRABHASARAN KANAGARATNAM Respondent



ORDER

UPON HEARING Counsel for the Applicant and Solicitor-Advocate for the Respondent

AND UPON reading the evidence filed

IT IS DECLARED THAT

1. As a matter of English law, the Applicant was vested with the legal and beneficial ownership of 625,000 shares in George Stewart & Co Limited previously held in the name of the Respondent upon the Applicant's appointment as trustee in bankruptcy on 22nd April 2004
2. As a matter of English law, the Applicant remains vested with legal and beneficial ownership of the said 625,000 shares notwithstanding the discharge of the Respondent from bankruptcy on 1st April 2005

IT IS ORDERED THAT:-

1. No order for Costs

This Order was sent to
Chancery Associates
regarding this Order
sent after 4.15 pm
forms or letters to
Chancery Chan-
Street London

MTCLAW
17 BENTINCK STREET
LONDON W1U 2ES

TEL: 020 7493 4174
FAX: 020 7504 8706

SOLICITORS FOR THE CLAIMANT

CERTIFIED A TRUE COPY

MTCLAW LIMITED
Date: 14 Sept. 2007

MTCLAW Ltd
17 Bentinck Street
London
W1U 2ES

1. No order for Costs

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORDER MADE BY MR JUSTICE HENDERSON ON 14 SEPTEMBER 2007

CERTIFIED A TRUE COPY

MTCLAW LIMITED
Date: 14 Sept. 2007

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORDER MADE BY MR JUSTICE HENDERSON ON 14 SEPTEMBER 2007

The UK Trustee had obtained an Order in June 2007 from the District Court of Colombo, Sri Lanka to enforce the above UK High Court Order, but the Civil Appellate High Court of Sri Lanka, had questionably stayed such Order in September 2008, and the consequent Appeal Hearings had been postponed over several years, with the Judgment delivered only in February 2016, holding that the enforcement of Judgments pertain to monetary Judgments, and that the above Order regarding Shareholdings would not come within such ambit, and had vacated the above District Court Order !

Hence, a former Chairman of George Stewart & Co. Ltd., G.E.S. Dirckze, upholding right principles and values, had endeavoured to get these Shares registered in the name of the UK Trustee in Bankruptcy through litigation, but had been opposed by the other Directors, who had colluded with the Bankrupt, who had been discharged after the transmission of the above 625,000 Shares in George Stewart & Co. Ltd., and his assets to the UK Trustee in Bankruptcy. These 625,000 Shares in George Stewart & Co. Ltd., had been pledged to a UK Creditor, namely, Royston DaCosta of the Bankrupt Estate of D.P. Kanagaratnam – viz:

8R7B X7
DUBSY PRABHASARAN KANAGARATNAM
NOTES TO STATEMENT OF AFFAIRS AS AT 31ST OCTOBER 2003
1. Freehold Property: The value has been estimated by me. No provision has been made for costs of sale.
2. Due from DPK Group of Companies: This debt relates to monies advanced to the companies concerned are insolvent, and there is not considered to be any prospect of recovery.
3. Shares:
(a) Charged: I have a 34% holding in George Stewart & Company Limited, a Sri Lankan mutual. The company value has been estimated by me.
(b) Quoted: I have a small portfolio comprising six holdings. The sum of £5,984 is derived from a valuation as at 3rd October 2003.
(c) Unquoted: I am the holder of 513 shares in four of the DPK group of companies. Three of these companies are insolvent and the fourth is dormant, and none of the holdings is considered to be of any realisable value.
Signed: Dubsy Prabhasaran Kanagaratnam
Dated 3rd November 2003

8R7C
DUBSY PRABHASARAN KANAGARATNAM
APPENDIX A TO VOLUNTARY ARRANGEMENT PROPOSAL - STATEMENT OF AFFAIRS AS AT 31ST OCTOBER 2003
SPECIFICALLY PLEDGED ASSETS
£
Freehold Property - 19, Huxley Place, London N13 5SU 330,000
Debt due to Mortgage - Cheltenham & Gloucester - Schedule 1 150,000
Debt: Witr's 50% interest 100,000
Shares 415,800
Debt due to Chargeholder - Mr R. DiCosta - Schedule 1 250,000
I, Dubsy Prabhasaran Kanagaratnam, hereby certify that to the best of my knowledge and belief, this is a complete and fair statement of my affairs as at 31st October 2003.
Signed: Dubsy Prabhasaran Kanagaratnam
Dated this 3rd day of November 2003

8R7E
DUBSY PRABHASARAN KANAGARATNAM
SCHEDULES TO STATEMENT OF AFFAIRS AS AT 31ST OCTOBER 2003
CREDITORS
SCHEDULE 1 - SECURED
DiCosta - 289, Sutton Court Road, Sutton, Surrey SM4 9QB 250,000
Cheltenham & Gloucester - Barnett Way, Gloucester GL4 3RL secured by mortgage on 19 Huxley Place, London, N13 5SU 150,000
Michael Slone 150,000
Alan Khan MTC 450,000
17/10/07

Notwithstanding such position, with the deliberate intent to dilute the 625,000 (34%) Shares in George Steuart & Co. Ltd., 600,000 additional new Shares of a different Class had been issued at a nominal price of Rs. 30/- per Share to be held by Directors of Subsidiary Companies of George Steuart & Co. Ltd., as long as they held such Office, with 'blank' Transfer Forms given for the respective Shares to be transferred to succeeding Directors of Subsidiary Companies. However, the Memorandum of George Steuart & Co. Ltd., had no provision for the issue of a different Class of Shares, thereby they being *ultra-vires!*

	<u>No. of Shares</u>	<u>%</u>	<u>New %</u>
Petitioner	455,478	24.62%	18.59%
10 th Respondent	78,324	4.23%	3.20%
5th Respondent as Trustee of the Bankrupt Estate of 4 th Respondent - <i>as per UK High Court Judgment (P4)</i> [The said shares however continue to be registered in the name, of the 4th Respondent wrongfully and fraudulently]	625,000	33.78%	25.51%
2 nd Respondent	323,395	17.48%	13.19%
8 th Respondent	341,701	18.47%	13.95%
9 th Respondent	6,102	0.33%	0.24%
6 th Respondent	<u>20,000</u>	<u>1.09%</u>	0.83%
	1,850,000	100.00%	
600,000 New different Class of Shares	<u>600,000</u>		24.49%
	<u>2,450,000</u>		<u>100.00%</u>

The series of litigations by G.E.S. Dirckze and the UK Trustee in Bankruptcy in this regard had been of no avail, until finally the following Terms of Settlement had been recorded in September 2010 in the Commercial High Court in the under-noted Cases.

**TERMS OF SETTLEMENT IN CASES NOS.
HC (C) 51/2010/CO & HC (C) 52/2010/CO
RECORDED IN THE COMMERCIAL HIGH COURT ON 20.9.2010**

Mr. S.L. Gunasekera

The Respondents undertake to incorporate in the main Articles of the 1st Respondent the words of the current Article 4 from the words to share in the capital of the company up to by the Directors. As well as the words in Article 5 from the words any members decide to sell or transfer up to the words than those offers to the other members. We remain in the new Article. It is agreed by the parties that the settlement effected in these proceedings is entitled subject to the requisition of right to continue the contention that the 600000 new shares were invalidly issued and are null and void. And also the shares presently registered in the name of the 4th Respondent are not shares validly registered in his name and they are the shares that to be registered in the name of the trusty in bankruptcy. This settlement also subject to the right of the Petitioner refer to final relief prayed for in this action and the other action that have been filed so far.



Previously in June 2009, G.E.S. Dirckze, as advised, had lodged a Complaint with the Criminal Investigations Department of the Sri Lanka Police, who had promptly acknowledged, that this was a very grave and serious matter, and was awaiting the advice of the Hon. Attorney General, which however had not forthcome for several years, thereby stultifying any action by the Criminal Investigations Department to carry out investigations and take warranted action for *holding onto another's property, with refuge given in Sri Lanka !*

මැ. ගැ. අංකය } 534 ප. ගැ. ලිපි } P. O. Box No } දුරකථන අංකය } "සෙක්රිම" තනතුර } "සෙක්රිම" කොමන්ඩ් Telegram } "SECRIM" COLOMBO ලැබුණු අංකය } 2380380 ගැ. ලිපි } Fax No. }	 ශ්‍රී ලංකා පොලීසිය இலங்கைப் பொலீஸ SRI LANKA POLICE අපරාධ පරීක්ෂණ දෙපාර්තමේන්තුව குற்றவியல் புலனாய்வுத் திணைக்களம் CRIMINAL INVESTIGATION DEPARTMENT 4-ஆம் மாடம், புதிய செயலக கட்டிடம் 4th Floor, New Secretariat Building කොමන්ඩ් 01, ශ්‍රී ලංකා පොලීසිය 1, இலங்கை Colombo 01, Sri Lanka	CLASSIFICATION මගේ අංකය } 2009/1407/7455/7 ඔබේ අංකය } 2009(522) My No. } ඔබේ අංකය } ඔබේ අංකය } Your No. } ලියාපදිංචි } 05.01.2009 Date }
--	---	--

Mr. G.E.S. Dirckze
#3, Sinhapura Mawatha
Pelawatta, Battaramulla.

Sir,

Fraud involving amounts of monies valued over Rs.150 Million and the continuous drain of the assets of the Company and the State.

References are made to your complaint dated 11/06/2009 and letter dated 23rd December 2009 on the above noted subject;

We accept the fact that your complaint is of a very grave and serious nature and I assure you that the CID always act impartially irrespective of a person's status.

Your complaint was based on the adjudgement of Mr.D.P.Kanagartnam as a bankrupt person in a United Kingdom High Court on 14/01/2004.

In conformity with the Insolvency Act of England a bankrupt person is legally bound to give information to his trustee and to cooperate with him in the administration of his affairs. Extensive powers are available to the High Court of England to undo a range of transactions entered into by the bankrupt with a view to dissipating or reducing the value of his assets in the period before his bankruptcy.


In the absence of a clear criminal offence and due to the legal provisions mentioned above, the situation warranted to consult the Attorney General for legal instructions on further inquiries to be conducted in this regard and also to ascertain the extent of validity of a court order given by a foreign country.

You will be notified the next course of action on receipt of the advise of the Attorney General.

Yours truly,


Nandana Munasinghe
Deputy Inspector General
NANDANA MUNASINGHE
 Deputy Inspector General of Police
 CRIMINAL INVESTIGATION DEPARTMENT

Being a person of integrity and public spiritedness, G.E.S. Dirckze had also complained in August 2010 of this matter of national and public importance to Chief Justice J.A.N. de Silva, who had referred the Complaint to the Bar Association of Sri Lanka for investigation and action. The Bar Association of Sri Lanka had merely sent the under-noted Letter, with no follow-up action, whatsoever, taken thereon !

 ශ්‍රී ලංකා නීතිඥ සංගමය BAR ASSOCIATION OF SRI LANKA இலங்கைச் சட்டத்தரணிகளின் சங்கம்	PRIVATE AND CONFIDENTIAL	President Shibly Aziz, PC Tel: 2659103, Mobile: 0777 360136 Fax: 2671881 shiblyaziz@yahoo.com Deputy President Rohan Sahabandu Tel: 2664777, Mobile: 0775 190995 rohan_sahabandu@yahoo.com Secretary Mahinda B. K. Lokuge Tel/Fax: 2655124, Mobile: 0773 266474 mahindalokuge@yahoo.com Asst. Secretary Chathura Galhena Mobile: 0773 249946 chathuragalhena@yahoo.com Treasurer Athula Perera Tel: 2976249, Mobile: 0773 519439 athula.perera@yahoo.com
---	---------------------------------	---

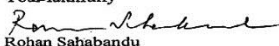
5th October 2010

Mr. G E S Dirckze
 No. 3, Sinhapura Mawatha
 pelawatta
 Battaramulla

Dear Mr. Dirckze,

Your letter dated 2nd August 2010 addressed to the Lordship the Chief Justice refers.

We have called for observations from the persons mentioned in your letter and shall revert once we receive a reply.

Thanking you
 Yours faithfully

Rohan Sahabandu
 Deputy President
 Bar Association of Sri Lanka

No. 153, Mbindu Mawatha,
 COLOMBO 12, SRI LANKA
 Tel: +94 11 2447134, +94 11 2331887
 Fax: +94 11 2448090
 E-mail: basl.lawnet@stmail.lk
 basl.lawnet@gmail.com
 Web site: www.basl.org.lk

Getting on in years, G.E.S. Dirckze in September 2011 at the age of 81 had disposed of his Shareholdings of 24% of George Stuart & Co. Ltd., together with his two colleagues, professional accountants, who had been Finance Directors of George Stuart & Co. Ltd., selling their total Shareholdings of 29% at *concessionary price* of Rs. 350/- per Share, on the explicit and express undertaking given by the buyer, that the above Settlement Terms recorded in the Commercial High Court in September 2010 would be given effect to, with George Stuart & Co. Ltd., and the UK Trustee in Bankruptcy also having been parties thereto.

The buyer had been acting in concert with another party to purchase the entire other Shareholdings of George Stuart & Co. Ltd., except the 625,000 Shares of George Stuart & Co. Ltd., which had vested in the UK Trustee in Bankruptcy. Hence, giving effect to such undertakings had been feasible. Nevertheless, appallingly such undertakings had been reneged upon, and actions contrary thereto, inimical and detrimental to the UK Trustee in Bankruptcy had been perpetrated, notwithstanding that a Director of the buyer, a member of the legal profession, having been granted Powers of Attorney to duly perform the said undertakings, *with such trust having been breached* !

In the final Chapter of this voluminous Book, the Author makes shocking disclosures, as to how a German investor in Sri Lanka, had been defrauded, thereby eroding the foreign investment confidence in the country.

A German professional specialized in the telecommunication sector, Dr. Diederich Koehn, had made investment, with local collaboration, to establish the Dynavision Broadcasting Company (Pvt) Ltd., signing a Memorandum of Understanding in October 1995 – viz:

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is entered into on this day of October 26th, 1995

BY AND BETWEEN

I.W.S. HOLDINGS (PVT) LIMITED, a company duly incorporated under the laws relating to companies in the Democratic Socialist Republic of Sri Lanka and having its Registered Office and/or Principal Place of Business at No. 451A / Kandy Road, Kelaniya (hereinafter called and referred to as "the Company", which term or expression as herein used shall mean and include the said I.W.S. Holdings (Pvt) Ltd., its successors and permitted assigns.

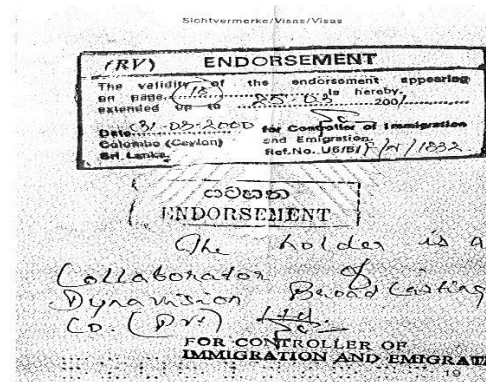
AND

DR. DIEDERICH KOEHN of No. 197, Rajapihilla Mawatha, Kandy (hereinafter called and referred to as the "Collaborator", which term or expression as herein used shall mean and include the said Dr. Diederich Koehn, his heirs, executors and administrators).

XXXXXXXXXXXXXXXXXX

The Common Seal of }
 I.W.S. Holdings (Pvt) Ltd. }
 was hereunto affixed in }
 accordance with its Articles }
 of Association in the }
 presence of }
 Director }
 Director }
WITNESSES:
 1
 2
 Dr. Diederich Koehn has }
 set his hands hereunto in }
 the presence of }
WITNESSES:
 1
 2
 Diederich Koehn

This project had been approved in March 1995 by the Board of Investment of Sri Lanka (BOI), with the German investor, Dr. Diederich Koehn accordingly having been granted Residence Visa in Sri Lanka. Licenses had been issued by the Telecommunications Regulatory Commission of Sri Lanka, and the *Dynavision Television Channel* had commenced operations in Sri Lanka, as one of the first Television Channels.



Though having been the main investor and collaborator, Dr. Diederich Koehn had not been afforded his Share Certificate, Annual Accounts of the Company and with no Annual General Meetings held since its incorporation. Regardless, the local collaborators had been managing and operating the Dynavision Broadcasting Company (Pvt) Ltd.

As a consequence, as advised, Dr. Diederich Koehn in November 2001 had filed legal action under Sections 210/211 and 213 of the then Companies Act No. 17 of 1982 in the Commercial High Court of Sri Lanka setting out in the averments the detail facts in his Petitions.

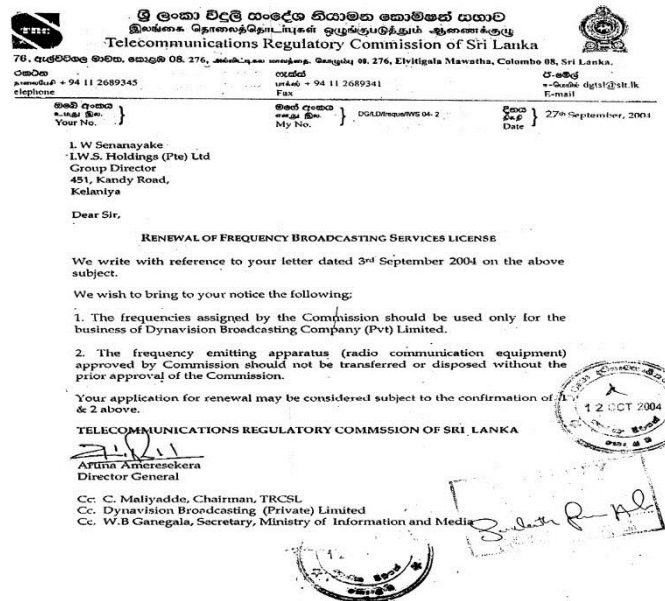
The Commercial High Court by its Order made in October 2002 had held that of the Authorized & Issued Share Capital of SL Rs. 10,000,000/- divided into 1,000,000 Ordinary Shares of Rs. 10/- each, that Dr. Diederich Koehn was the lawful Shareholder of Rs. 9,999,980/-, with only 2 Shares of Rs. 10/- each belonging to the local collaborators, which had been the two Promoters Shares.

Above two Shareholders had been the only two Directors of Dynavision Broadcasting Company (Pvt) Ltd., and one of whom had been the Deputy Chairman of Sampath Bank in Sri Lanka. The Commercial High Court had also declared that the said two persons were not fit and proper persons to function, as Directors of Dynavision Broadcasting Company (Pvt) Ltd.

The Auditors of Dynavision Broadcasting Company (Pvt) Ltd., who had been named as Respondents, and on whom Notices had been issued by the Commercial High Court, had *shamelessly* absconded from appearing before the Commercial High Court !

The above Commercial High Court Order having been Appealed in the Supreme Court of Sri Lanka, with Oral and Written Submissions having been made, the Judgment reserved by Justice Nihal Jayasinghe to be written had not seen the light of day, since he had gone on leave overseas, thereby frustrating the judicial process, and denying justice to a BOI approved foreign German investor !

Subsequently in September 2004, the Telecommunications Regulatory Commission of Sri Lanka issued the following Letter, confirming that the Frequencies assigned and the communication equipment should be only used by Dynavision Broadcasting Company (Pvt) Ltd.



IWS Holdings (Pvt) Ltd., the local collaborator of Dynavision Broadcasting Company (Pvt) Ltd., had filed a Writ Application in the Court of Appeal of Sri Lanka against the Telecommunications Regulatory Commission of Sri Lanka, to *quash* the above Letter, without making Dynavision Broadcasting Company (Pvt) Ltd., a party thereto.

Nevertheless, Dr. Diederich Koehn has successfully caused Dynavision Broadcasting Company (Pvt) Ltd., to become an Interventient-Party, and such intervention had been allowed by the Court of Appeal.

In the subsequent Judgment delivered in August 2006, the Court of Appeal held that the above Frequencies assigned by the Telecommunications Regulatory Commission should be used only for the business of Dynavision Broadcasting Company (Pvt) Ltd. – *viz: Last para of Judgment*

The conditions laid down by the 1st Respondent in its letter dated 27th September 2004 (P14) namely: the frequencies assigned by the Commission should be used only for the business of Dynavision Broadcasting Company (Pvt) Ltd and the frequency emitting apparatus (radio communication equipment) approved by the commission should not be transferred or disposed without proper approval of the Commission, for the renewal of the said license are not illegal or cannot be considered as unreasonable. In view of these findings the Court dismisses this application without costs.


[Handwritten Signature]
Judge of the Court of Appeal

In a consequent Appeal to the Supreme Court against the above Judgment of the Court of Appeal, a confusing Order minuted had resulted in these Frequencies assigned by the Telecommunications Regulatory Commission of Sri Lanka to be used only by Dynavision Broadcasting Company (Pvt) Ltd., *appallingly to be alienated by the local collaborator and/or another collusive party.*

Shortly after the Commercial High Court Order in October 2002 declaring that the foreign investor, Dr. Diederich Koehn was virtually the sole owner of Dynavision Broadcasting Company (Pvt) Ltd., with the aiding and abetting by professional Lawyers in February 2003, a new Company, ART TV Broadcasting Company (Pvt) Ltd., had been formed.

Television programs had commenced being broadcasted under the name *ART TV*, with the *Dynavision Channel* non-operating; giving rise to the cogent question, as to whether it was so done, using the very communication equipment of Dynavision Broadcasting Company (Pvt) Ltd., in violation of the conditions stipulated in the above Letter of September 2004 of the Telecommunications Regulatory Commission of Sri Lanka ?

Even the Direct to Home Satellite Delivered Television License had issued in the name of Dynavision Broadcasting Company (Pvt) Ltd., as given below:



Secretary, Ministry of Posts, Telecommunications and the Media

My No: P/FOA/REG/CS3
31st October 1997

Movers Dynavision Broadcasting Co. (Pvt.) Ltd.
Level 15, Trade Tower
World Trade Centre
Echelon Square
Colombo 1.

LICENSE TO PROVIDE CONDITIONAL ACCESS DIRECT TO HOME (DTH) SATELLITE DELIVERED TELEVISION PROGRAMMES

Reference application made by you regarding above, a provisional license is issued to you by this letter to provide Television Service by enabling the reception of Direct to Home (DTH) Satellite Delivered Conditional access programmes to Sri Lankan viewers by THE Dynavision Broadcasting Co. (Pvt.) Ltd., Level 15, Trade Tower, World Trade Centre, Echelon Square, Colombo 1 with the approval given by Hon. Minister of Posts, Telecommunications and the Media on the powers vested to him by virtue of Section 28 of the Sri Lanka Telecommunications Act No. 6 of 1987. The following terms and conditions shall apply with regard to the provisional license.

- The Licensee shall provide broadcasting programmes in accordance with the terms, standards and code of ethics followed by Sri Lanka Rupavahini Corporation and instructions issued by the Ministry in-charge of the subject Media regarding programme content and quality.
- The Licensee shall maintain a broadcasting service of high quality both as to the reception and the material received.
- The Licensee shall confine its enabling programmes to education, sports and entertainment with a family content and foreign news. Commencement of any new programme should be notified to the Ministry in-charge of the subject of the Media.
- The Licensee may broadcast local news only with specific written approval of the Ministry responsible for the subject of Media.

Level 10, 33rd Floor, World Trade Centre, Colombo 1
Phone : 94-1-3270000 Fax : 94-1-3411531 e-mail : sec@slta.lk

- All advertising shall be in accordance with the code of ethics adopted by the Sri Lanka Rupavahini Corporation.
- The Licensee shall remain temporary until such time as formal license is issued.
- The Licensee fee will be notified in due course.
- The Licensee shall not rebroadcast any programme terrestrially.
- The Minister in-charge of the subject of Media may impose any other conditions from time to time which are deemed to be necessary for the purpose of carrying on the service of broadcasting in Sri Lanka and for developing extending and improving that service and for matters connected therewith or incidental thereto.

K.C. Logeswaran
K.C. Logeswaran
Secretary
Ministry of Posts, Telecommunications and the Media

Copy to: 1. Secretary, Ministry of Defence
2. Director-General of Telecommunications
3. Director-Government Information
4. Director-General, Sri Lanka Rupavahini Corporation

No Annual General Meetings of Dynavision Broadcasting Company (Pvt) Ltd., a BOI approved Company, had been held since its incorporation in 1994. In such circumstances on the advice of the Hon. Attorney General, the Registrar of Companies having issued Notices held in November 2003, the Annual General Meeting of Dynavision Broadcasting Company (Pvt) Ltd. – viz:

<p>මගේ අංකය எனது இல. } E/241/2003 My No. }</p> <p>ඔබේ අංකය உமது இல. } Your No. }</p> <p>දුරකථන අංක 433967 433769 தொலைபேசி இல. } 32 0800 Telephone Nos. : } 327919</p> <p>දුරකථන මගේ මගේ - අංකය E-mail } counsel@ sri.lanka.net counsel@ sri.lanka.net</p> <p>දුරකථන 436421 දුරකථන } Fax }</p>	 <p>නීතිපති දෙපාර්තමේන්තුව சட்டமா அதிபதி திணைக்களம் ATTORNEY-GENERAL'S DEPARTMENT</p>	<p>මගේ අංකය எனது இல. } 502 P. O. Box No. }</p> <p>අංක 12 கொழும்பு 12. Colombo 12.</p> <p>29th August 2003.</p>
---	---	---

Registrar of Companies,
Department of the Registrar of Companies,
"Samagam Meduna",
400, D.R. Wijewardhana Mawatha,
Colombo 10.

DYNAVISION BROADCASTING COMPANY (PVT.) LTD.
DIRECTION UNDER SECTION 127(2) OF THE COMPANIES ACT

XXXXXXXXXXXX

Nihal Jayawardere
Nihal Jayawardere
Senior State Counsel
for Attorney General.

Notice of Annual General Meeting



සමාජයේ සේවයට දායකවන්නන්ගේ
 සහයෝගය ප්‍රවීණතාවය ස්වභාවිකව
 DEPARTMENT OF THE REGISTRAR OF
 COMPANIES

රජයේ සේවා
 400, ඩී. ඒ. ඩී. විජේවර්ධන මාවත,
 කොළඹ 10.
 Telephone: 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

ආදේශන අංකය: N(PVS) 13564
 සේවා අංකය: 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Director,
 Dynavision Broadcasting Company (Private) Limited,
 451, Kandy Road,
 Kelaniya.

Dr. Diederich Koehn
 Member-Dynavision Broadcasting Company (Pvt) Limited
 197, Rajapahilla Mawatha
 Kandy.

Mr. I. W. Senanayake
 No. 1, 33rd Lane
 Bagatalle Road
 Colombo 03.

Mr. P. W. Senanayake
 No. 31/29
 Bathiya Mawatha
 Dehiwela.

Dear Sirs/Madam,

Calling the Annual General Meeting for the year 2002 Under Section 127(2) of the Companies Act, Dynavision Broadcasting Company (Private) Limited

Whereas default has been made in holding the Annual General Meeting of Dynavision Broadcasting Company (Private) Limited for the year 2002 as required by Section 127(1) of the Companies Act, and whereas an application has been made by a member of the said company in terms of section 127(2) of the said Act, I, D. K. Hettiarachchi, Registrar of Companies in terms of powers, vested in me under the said section 127(2) of the Act do hereby call:

- (1) The Annual General Meeting of Dynavision Broadcasting (Private) Limited for the year 2002 on 15th November 2003 at the Auditorium of the Department of the Registrar of Companies, Samagum Medura, 400, D R Wijewardene Mawatha, Colombo 10 at 10.30 a.m.

- (2) I declare that the proposed general meeting will be the annual general meeting for the year 2002.
- (3) I hereby declare that one member present in person or by proxy shall be deemed to constitute a meeting.
- (4) I hereby direct that resolutions giving due notice of appointment of directors and their consent be sent to me on or before 20th October 2003.
- (5) Also herewith attach notice of the meeting, agenda and the notes which are part and parcel of the calling of the meeting.

Yours faithfully,

D.K. Hettiarachchi
 Registrar of Companies.

Copies to:

- 1. I W S Holdings Private Limited)
 Director, 451/A Kandy Road, Kelaniya.)
- 2. Mr. Sri Pathmanathan Sriketheswaran, Director for your)
 181/4 W A Silva Mawatha, Colombo 06.)
- 3. Mr. Madvraperumarachige Chaminda Deepal Perera)
 Director, 9, 3rd Lane, Nawala, Nugegoda.)
- 4. Mr. Kasthuri Arachchige Gnanaweera, Director)
 6 Delgahawatte Road, Talapathpitiya Road,)
 Nugegoda.)
- 5. Mr. Liyanawaduge Walter Weeraratne, Director)
 5/5B Sharamadana Mawatha,)
 Off Sri Nagavihara Road, Nugegoda.)
- 6. M/s. R.C.A.B. Rodrigo, Secretary)
 171/2, Nayakakanda, Hendala, Wattala)
- 7. Messrs. Goonetilake & Co.)
 Chartered Accountants, No.38,)
 Galle Face Court, Colombo 03.)

At the said Annual General Meeting held at the Office of the Registrar of Companies, the appointment of Dr. Diederich Koehn and his nominees, as Directors of Dynavision Broadcasting Company (Pvt) Ltd., had been confirmed, in addition to him having been recognized as the sole Shareholder of Dynavision Broadcasting Company (Pvt) Ltd., except the two Shares as aforesaid.

The above only gave Dr. Diederich Koehn the possession and control of the legal entity Dynavision Broadcasting Company (Pvt) Ltd., whilst its assets and the most valuable Frequencies had been *alienated*, with litigations in such regard belatedly pending !

In March 2006 Dr. Diederich Koehn had lodged a Complaint with the Criminal Investigation Department of Sri Lanka Police of the foregoing corporate fraud, but *curiously* no action, whatsoever, had been taken, even though such Complaint had been copied to Inspector General of Police, President Mahinda Rajapaksa and the German Ambassador in Sri Lanka.

Dr. Diederich Koehn
 Telecommunications Consultant
 Telephone: +94 - 81 - 4 - 47 37 07
 Telefax: +94 - 81 - 4 - 47 30 15
 E-Mail: koehn@dialogsl.net

197, Rajapihilla Mawatha
KANDY
 Sri Lanka

22nd March 2006

Mr. Sisira Mendis
 Director
 Criminal Investigation Department
 4th Floor, New Secretariat Building
 Colombo 1.

Dear Sir,

Complaint

I am a German National, who became a Resident Guest in Sri Lanka under the Resident Guest Scheme of the Government of Sri Lanka.

I have brought in substantial sums of foreign exchange into Sri Lanka. I invested US \$ 250,000/- as the Foreign Collaborator in a BOI Project to set-up a Television Broadcasting Station.

X X X X X X X X X X X X X X X X

Yours faithfully,



cc: Mr. Chandra Fernando, Inspector General of Police
His Excellency President Mahinda Rajapaksa
His Excellency Juergen Weerth, German Ambassador

Thereafter in June 2007, Dr. Diederich Koehn had lodged the final Complaint to the BOI, but *curiously* no action, whatsoever, was taken on the *defrauding* of a foreign investor in Sri Lanka, under the agies of the BOI !

Dr. Diederich Koehn
Telecommunications Consultant
Telephone: +94 - 81 - 4 - 47 37 07
Telefax: +94 - 81 - 4 - 47 30 15
E-Mail: koehn@dialogsl.net

197, Rajapihilla Mawatha
K A N D Y
Sri Lanka

BY COURIER

7th June 2007

Mr. Dhammika Perera,
Chairman / Director General,
Board of Investment of Sri Lanka,
West Tower, 25th Floor,
World Trade Centre,
Colombo 1.

Dear Sir,

Dynavision Broadcasting Co. (Pvt) Ltd.

I have already made several representations to the BOI previously, with no avail until now. Copies of my previous representations are most likely still be in the BOI Files.

X X X X X X X X X X X X X X X X

Yours faithfully,



Dr. Diederich Koehn

cc: Hon. Dr. Sarath Amunugama, Minster of Enterprise Development
Mr. Kanchana Ratwatte, Director General, TRC
Mr. Lalith Weeratunga, Chairman TRC / Secretary to H.E. the President
Mr. D.W. Prathapasinghe, DIG – CID
Mr. Victor Perera, IGP
His Excellency Juergen Weerth, Ambassador of the Federal Republic of Germany

Dr. Diederich Koehn, who had been under great stress and anxiety, with grave pain of mind over the predicament he had got into in a foreign country, Sri Lanka, to be so defrauded, and with no take action, whatsoever, being taken thereon by any of the relevant Sri Lanka governmental authorities, died in October 2007 at the age of 77.

The foregoing speaks volumes of the collusive action in a certain segment of society in Sri Lanka, including professionals, and a foreign investor being blatantly defrauded, with costly litigations and with no action, whatsoever, taken thereon by the Sri Lanka governmental law enforcement authorities, disclosing the total lack of the rule of law, which is *repugnant* to attracting much needed foreign investors to the country !

Supreme Court of Sri Lanka in Fundamental Rights Applications filed in 2007 *in the public interest* had annulled as wrongful, unlawful, illegal and fraudulent, the privatisations of Lanka Marine Services Ltd., (*owning and operating the Colombo Port monopolistic Oil Bunkering Facility*) to John Keells Holdings PLC, and the Sri Lanka Insurance Corporation Ltd., to a Consortium, comprising Distilleries Company of Sri Lanka Ltd., and Aitken Spence & Co. Ltd., *et al.*

The Directors of the above Public Companies, as per their respective *Websites* in 2008 had been the following, whilst the above litigations had been pending in the Supreme Court. They were *bound to have acted* as per the '*Directors Duties*' statutorily stipulated in the Companies Act No. 7 of 2007:

<p>John Keells Holdings PLC - Directors</p> <p>Susantha Ratnayake Ajit Gunewardene Sumithra Gunesekera Ronnie Peiris Sithie Tiruchelvam Franklyn Amerasinghe Tarun Dias Steven Enderby Deshamanya Deva Rodrigo</p>	<p>Lanka Marine Services Ltd. – Directors</p> <p>Susantha Ratnayake Ajit Gunewardene Ronnie Peiris Sithie Tiruchelvam Franklyn Amerasinghe Tarun Dias Steven Enderby Indrajit Coomaraswamy Anthony Ranjit Gunasekara</p>
<p>Sri Lanka Insurance Corporation Ltd. - Directors</p> <p>D.H.S. Jayawardene R.K. Obeyesekere G.K. Dayasri J.M.S. Brito L.U.D. Fernando C.R. Jansz</p>	<p>Distilleries Company of Sri Lanka Ltd. – Directors</p> <p>V.P. Vittachi D.H.S. Jayawardene R.K. Obeyesekere C.R. Jansz A.N.D. Balasuriya N.D. Aditya L.U.D. Fernando Ms. V.J. Senaratne</p> <p>Aitken Spence & Company Ltd. – Directors</p> <p>D.H.S. Jayawardene J.M.S. Brito G.C. Wickremasinghe R. Sivaratnam E.P.A. Cooray C.H. Gomez</p>

Nevertheless, no action, whatsoever, had been taken by the Criminal Investigations Department of the Sri Lanka Police and/or the Commission to Investigate Allegations of Bribery or Corruption, and/or the Securities & Exchange Commission of Sri Lanka and/or the Institute of Chartered Accountants of Sri Lanka, notwithstanding directions given by the Supreme Court, and the undertakings given to the Supreme Court, and on Complaints made to these Institutions; *whilst some of the above persons had been appointed to high profile political office and recognized by the private sector*; thereby disclosing the true nature of the prevalent socio-political realities !