



Consultants 21 Limited <consultants21@gmail.com>

Re - Telephone Conversation

Lalith Weeratunga <lalith@icta.lk>

Tue, Dec 8, 2009 at 6:33 AM

To: Consultants 21 Limited <consultants21@gmail.com>

Dear Nihal,

Thank you for your forthright comments and incisive analysis of what has happened over the last few years. It will not be easy for me to respond to many as I have no special skills to analyse financial transactions for and on behalf the government but suffices to say that whatever transactions take place, they have to be transparent and within the permitted space to operate.

However, please continue the good work you do as only a few can adopt the standards you maintain.

Warm regards.

Lalith

*Lalith Weeratunga
Secretary to the President
Presidential Secretariat
Colombo 1*

From: Consultants 21 Limited
Sent: Sat 12/5/2009 11:01
To: Mr. Lalith Weeratunga
Cc: Mr. Gotabaya Rajapaksa
Subject: Re - Telephone Conversation

[Quoted text hidden]

<http://www.consultants21.com/>



Consultants 21 Limited <consultants21@gmail.com>

Re - Telephone Conversation

lalith@icta.lk <lalith@icta.lk>

Sat, Dec 5, 2009 at 10:50 AM

Reply-To: lalith@icta.lk

To: Consultants 21 Limited <consultants21@gmail.com>

Many thanks. I will study and revert.

Sent via BlackBerry® from Dialog

From: Consultants 21 Limited <consultants21@gmail.com>

Date: Sat, 5 Dec 2009 10:31:12 +0530

To: Mr. Lalith Weeratunga <lalith@icta.lk>

Cc: Mr. Gotabaya Rajapaksa <rajapakg@gmail.com>

Subject: Re - Telephone Conversation

[Quoted text hidden]



Consultants 21 Limited <consultants21@gmail.com>

Re - Telephone Conversation

Consultants 21 Limited <consultants21@gmail.com>

----- Forwarded message -----

From: **Consultants 21 Limited** <consultants21@gmail.com>

Date: Sat, Dec 5, 2009 at 10:31 AM

Subject: Re - Telephone Conversation

To: "Mr. Lalith Weeratunga" <lalith@icta.lk>

Cc: "Mr. Gotabaya Rajapaksa" <rajapakg@gmail.com>

Dear Lalith,

I refer to the telephone conversation you had with me on Monday, 30.11.2009, and my intimation that I would send you an E-mail. Dilith Jayaweera, Vasudeva Nanayakkara and Ven. Elle Gunawansa also spoke to me, intimating that you had spoken to them to speak to me. In fact, Dilith visited me, together with Wasantha Karannagoda, and we had a meaningful discussion. In the given context, I am forwarding copies of this E-mail to these persons.

I thought I will ponder over matters, and hence, the slight delay in this E-mail. As I assured you, I will always act, taking the larger picture of the country's interest into account, and not on petty issues. I have always acted in the national and public interest. Yes, I am very much a politician, in that, I have always been acting in the interest of the people to whom the resources of the country belong, unlike those, who masquerade as politicians, acting in self-serving interest, ruining the country since independence. Singapore, which was well behind our country in development at that time, and had embarked to emulate our country, has developed in leaps and bounds, leaving our country in the pathetic position it is in today.

As reported in the *Daily Mirror* of 24.11.2009, the President, at the Chartered Accountants' Institute, was quoted to have stated – "Bribery and Corruption ruined the Country – We have enough legal frameworks to tackle corruption. What is lacking is the proper implementation of these legislations." - *Is it not the President, who is responsible to ensure the proper implementation of legislations, and have those, who have not enforced the Rule of Law severely dealt with?*

Subsequently, it was reported in the *Daily News* of 27.11.2009, that the President, addressing the media personnel, had stated – "Open economy paved way for corruption – Fraud and corruption is closely entwined with the open economy. The open economic system paved the way for the genesis of fraud and corruption in the country. The Government will take every possible step to curb corruption and fraud in the country. A corruption free country is key to development and those involved in corruption and frauds will be severely dealt with." - *Singapore has a free economy, with very little fraud and corruption, and stringently deals with fraud and corruption, like any other open economic country. In fact, it is the socialist countries, which have a high degree of corruption, as is well known!*

In the foregoing context I cite the following:

1. Supreme Court delivered Judgment dated 21.7.2008 annulling the privatization of LMSL by PERC, under the then Minister Milinda Moragoda and then Chairman PERC, P.B. Jayasundera, declaring the transaction to be wrongful, unlawful, illegal and fraudulent, with clear disclosure of corruption, as defined in Section 70 of the Bribery Act, and the defraud of public property coming under the ambit of the Offences Against Public Property Act No. 12 of 1982.
2. Likewise, Supreme Court delivered Judgment dated 4.6.2009 annulling the privatization of Sri Lanka Insurance Corporation Ltd., by PERC, under the then Minister Milinda Moragoda, and then Chairman PERC, P.B. Jayasundera, declaring the transaction to be wrongful, unlawful, illegal and fraudulent, with clear disclosure of corruption as defined in Section 70 of the Bribery Act, and the defraud of public property, coming under the ambit of the Offences Against Public Property Act No. 12 of 1982.

3. a) Supreme Court in the LMSL Judgment severely castigated the conduct and actions of P.B. Jayasundera, both as then Chairman PERC and Secretary to the Treasury, making several grave and serious findings against him, and finally declaring:

"The findings in the judgment demonstrate that the action of P.B. Jayasundera, 8th Respondent has not only been arbitrary and ultra-vires but also biased in favour of John Keells Holdings Ltd. The allegation of the Petitioner that he worked in collusion with S. Ratnayake of John Keells to secure illegal advantages to the latter, adverse to the public interest is established."

b) Section 70 of the Bribery Act, as amended by the Bribery [Amendment] Act No. 20 of 1994, stipulates thus:

"Corruption: 70. Any public servant who, with intent, to cause wrongful or unlawful loss to the Government, or to confer a wrongful or un-lawful benefit, favour or advantage on himself or any person, or with knowledge, that any wrongful or unlawful loss will be caused to any person or to the Government, or that any wrongful or unlawful benefit, favour or advantage will be conferred on any person -

(a) does, or forbears to do, any act, which he is empowered to do by virtue of his office as a public servant;

(b) induces any other public servant to perform, or refrain from performing, any act, which such other public servant is empowered to do by virtue of his office as a public servant;

(c) uses any information coming to his knowledge by virtue of his office as a public servant;

(d) participates in the making of any decision by virtue of his office as a public servant;

(e) induces any other person, by the use, whether directly or indirectly, of his office as such public servant to perform, or refrain from performing, any act,

shall be guilty of the offence of corruption and shall upon summary trial and conviction by a Magistrate be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one hundred thousand rupees or to both such imprisonment and fine."

c) Do not the foregoing findings by the Supreme Court fall within the meaning of the Offence of Corruption ? The Bribery Commission, including having recorded my statement, has conducted investigations, and I understand is in the process of filing actions against several persons involved in this fraudulent deal. With P.B. Jayasundera being appointed as Secretary to the Treasury, under controversial circumstances, what is the 'signal' given to the law enforcement authorities, *who on the other hand, are censured for not taking any actions ?*

4. a) On 15.12.2008 in the LMSL Case, the Attorney General informed the Supreme Court that the Criminal Investigation Department had sought the advice of the Attorney General, as to the actions to be taken on the basis of the investigations carried out. *10 months thereafter*, on 11.10.2009 the IGP writes to Vasudeva Nanayakkara's Lawyers, reconfirming that the Criminal Investigation Department had conducted investigations and that a report had been forwarded to the Attorney General for advice on actions to be taken, *and the Attorney General's advice is still awaited !*

b) The conduct and actions disclosed, in addition to being Offences under the provisions of the Penal Code concerning Public Officers, come within the Offence Against Public Property Act No. 12 of 1982. The Supreme Court concurred with the stances taken by me in a Note

dated 29.9.2008, which was directed by Court to be handed over to the Attorney General for actions to be taken accordingly. Likewise, what actions have been taken by the Criminal Investigation Department and/or Attorney General on the fraudulent SLIC transaction ! *Compare this with the prompt action taken against late Sripathy Sooriyarachchi M.P. on the issue of allegedly not returning a Jeep !*

5. a) Conduct and actions of both Milinda Moragoda and P.B. Jayasundera, in both LMSL and SLIC Judgments, were severely castigated by the Supreme Court, making grave and serious findings against them. With scant regard thereto, Milinda Moragoda was appointed of all positions, as the Minister of Justice, exercising control over the judicial and law enforcement officers, who are required to enforce the law against him, himself, on the basis of the above referred to grave and serious findings by the highest judiciary ! *Is it not 'kicking' the Rule of Law, and undermining and subjecting the judiciary to ridicule ?*

b) A Presidential Commission of Inquiry appointed by the President to investigate into Failed Finance Companies, reported upon in 2005 by the Parliamentary Committee on Public Enterprises, *inter-alia*, disclosing that Mercantile Credit Ltd., owned and/or controlled by Milinda Moragoda's family, with him as a Director, having obtained Loans in 1990/91 of Rs. 1700 Mn., at 11% p.a. interest, had defaulted the Central Bank Rs. 4,700 Mn., including such interest as at December 31.12.2004, which would amount to around Rs. 7900 Mn. today at the 11% p.a. interest ! I too in the public interest gave evidence before this Commission. *What became of such Presidential Commission of Inquiry ?*

6. a) Likewise, P.B. Jayasundera was appointed, as Secretary to the Treasury, regardless of the foregoing, and other disclosures made by me by Affidavit, *copy of which was forwarded to you*, filed in the Supreme Court, which disclosures stood and stand un-contradicted by him. Can one justify the appointment of P.B. Jayasundera to be in charge of the finances of the country, in the face of the findings in the above 2 Judgments by the highest judiciary, and other *uncontradicted disclosures* made before the Court, which include castigations against him by the Auditor General and Parliamentary Committees ? *How then can one lament of inaction by law enforcement authorities ?*

b) Article 28 of the Constitution stipulates, that the exercise and enjoyment of fundamental rights and freedoms, including the right to engage in one's own profession or occupation in terms of Article 14(g) is inseparable from the performance of the fundamental duties and obligations, which include - *'to preserve and protect public property and to combat misuse and waste of public property'* as per Article 28(d). Is that not why, the Offences Against Public Property Act No. 12 of 1982 impose punishments of imprisonment upto 20 years, in addition to 300 % fine of the value of the public property misappropriated ?

c) In the instances of LMSL and SLIC, very valuable public property misappropriated and/or defrauded from the State had been rightfully *restored* to the State by the Supreme Court. Therefore, does it not stand to logical and rational reasoning, that warranted action ought be taken in terms of the Offences Against Public Property Act No. 12 of 1982, against all those involved, including those who had aided and abetted therewith ?

7. a) The dissenting judgment of the Supreme Court Judge, Shiranee Tilakawardene J, was certified and issued to the media and me, pointedly excluding 2 pages thereof dealing with the duty and obligation of the President to act in conformity with the Constitution, *inter-alia*, drawing attention to the aforesaid Article 28 of the Constitution, and *stating that he does not have unfettered powers.*

b) This was no mere accident, but an *intentional act* since the original 'font' of the unsigned softcopy of the Judgment had been changed and enlarged making the 16 page Judgment 18 pages, and thereafter deleting the pages 16, 17 and 18, and attaching the signed copy of page 16 of the original Judgment, in a different smaller 'font', which commences with an incomplete paragraph, with no connection to the previous page, thereby excluding pages 14 and 15 of the original Judgment. *Is this not appallingly shocking ?*

8. a) Whilst the relevant legal agreements in relation to the LMSL and SLIC privatizations have been annulled, as wrongful, illegal, unlawful and fraudulent, with corruption and the defraud of public property, which have consequently been rightfully *restored* to the State by the Supreme Court, as a result of the litigations; regardless thereof has not the Director Legal PERC, who was responsible for such illegal, unlawful and fraudulent agreements, and had evaded and avoided filing Objections to controvert the averments in the 2 Petitions, in the 2 Cases been promoted, as Legal Advisor to the Ministry of Finance ? *Is this how the Rule of Law is being upheld in our country ?*

b) In the SLIC Judgment, the Supreme Court directed that Ernst & Young, Auditors of SLIC be removed forthwith, and the Judgment disclosing the unprofessional conduct and actions of PricewaterhouseCoopers, who functioned as Consultants to the Government, in carrying out the perverse SLIC transaction. The Attorney General in February & April 2005 had put Ernst & Young and PricewaterhouseCoopers on notice, for legal action to be taken against them for gross professional negligence on their part, with draft Plaints finalized by PERC. *Why was such action not pursued by the Ministry of Finance ?*

9. The LMSL and SLIC privatizations were annulled consequent to very strenuous and stressful litigations. Such endeavours in the interest of the people of the country were opposed by the Secretary to the Treasury, P.B. Jayasundera and by the Attorney General ! In such circumstances, I had already urged you, that the benefits to the State therefrom should not accrue to the Treasury, but be allocated to the families of the Armed Forces personnel, who had sacrificed their limbs and lives. *Given the fact situations, can one be heard to hold out that these public institutions 'had been taken over by the Government', which is far from the truth, with the Attorney General representing the Government having opposed the same ?*

10. a) I have sent you copies of the 2 Petitions I filed in the Supreme Court, in the interest of the people, on 25.5.2009 and 25.6.2009, against the purported 'Oil Hedging Deals', which had been caused to be entered into by the Ceylon Petroleum Corporation *ultra-vires* its Act of incorporation, by the then Secretary to the Treasury, P.B. Jayasundera, advocating and effecting the same, having obtained a *puerile brief report* from a 'study group' he had appointed, *who had no expertise vis-à-vis* such transactions, and had met only on 3 occasions.

b) My stance is that these are wagering / betting / gambling contracts, and therefore 'illegal contracts', and are thus not enforceable in law. Under the Gaming Ordinance, *village folk* are arrested and dealt with for the offence of betting / gambling ! With expert advice, I have also sought 'restraining orders' to prevent the foreign Banks from proceeding with litigations / arbitrations in foreign jurisdictions, *whilst I have instituted litigations in my own country, in the right and interest of the people !*

c) Immediately upon me filing the first action, the Criminal Investigation Department raided the Head Office of the Ceylon Petroleum Corporation, and took into custody several documents, recording statements. What action has been taken by the Criminal Investigation Department and the Attorney General on such a colossal unlawful scandal, where evidence have been admittedly revealed, that public officers involved and their families, had been provided with apparently '*foreign jaunts*', including accommodation, to various countries by the 3 foreign Banks involved, *raising the question, as to whether such public officers had been compromised ?*

d) Ironically, when these Cases came up in the Supreme Court for Support on 14.7.2009, the Attorney General, as recorded by Court, informed Court that he *vehemently* objects to Leave to Proceed being granted on my Applications, as he was defending the legal actions and arbitrations filed abroad *vigorously* !. This was notwithstanding that Ceylon Petroleum Corporation, Chairman Major General Asoka Thoradeniya having declared in his Affidavit, that 'these transactions are, *inter-alia*, illegal, *ultra-vires* and unauthorized, and that the Banks have misrepresented the true nature of the transactions, which are null and void and unenforceable'. The Counsel representing the State Bank, People's Bank also objected on the basis of 'time

bar', whereas the People's Bank's contracts were ending only in August 2009 and October 2009 !

e) I understand that Deutsch Bank has instituted arbitration before the International Center for Investment Disputes (ICSID) under the aegis of the World Bank, Standard Chartered Bank has filed legal action in the UK High Court, and Citibank has instituted arbitration in the UK High Court of Arbitration. The costs incurred in defending these foreign actions, according to my information upto September 2009, have amounted to nearly Rs. 110 Mn. *Compare this with the Vote on Account for 4 Months of 2010, where the budget for the Supreme Court is Rs. 15 Mn., and the budget for the Attorney General's Department is Rs. 127 Mn. !*

f) The above included, I understand, UK Pds 340,000/-, Euro 75,000/- and US \$ 75,000/-, with Senior Lawyer's fees of UK Pds. 1700/- (Rs. 325,000/-) *per hour*, and Junior Lawyer's fees of UK Pds. 700/- (Rs. 135,000/-) *per hour*, and UK Pds. 2500/- (Rs. 480,000/-) *per day* for a Hedging Expert, who has been engaged, *only after the event !*

g) Former Secretary to the Treasury, Sumith Abeysinghe in his Affidavit to Supreme Court has stated that the Citibank as at 22.12.2008 had demanded from the Government US \$ 194 Mn., whereas as per calculations as at end November 2008, the total computation for the 2 Citibank contracts is around US \$ 64 Mn., and as at end December 2008 is around US \$ 87 Mn. Hence the question arises, as to whether the US \$ 194 Mn. included commercial rates of interest, on a daily compounding basis, as per the ISDA Agreements entered into ? The Citibank 2 contracts were ending in June 2009 and July 2009, and with the price levels of oil not being known for the period after December 2008, *no claims could have been made then for the Months after December 2008 !*

h) Whilst my Petitions on these 'Oil Hedging Deals' *filed in the national and public interest*, as far back as 25.5.2009 and 25.6.2009 are yet to be supported, and have now been fixed for support on 22.3.2010, with support to amend one Petition fixed for 11.2.2010, on the other hand, Petition by P.B. Jayasundera filed on 7.7.2009, *a matter of private and personal interest*, with the Petition *amended twice without prior sanction of Court*, was heard and disposed of by a 7-Judge Bench of Supreme Court by 13.10.2009, with the Attorney General clearly sailing with P.B. Jayasundera. *Compare this with the stance by the Attorney General on the 'Oil Hedging Deals', which affect the people of the country !*

i) Without taking into account any applicable interest, the total purported claims for all contracts, which have been completed by October 2009 amount to around US \$ 503 Mn., and in comparison therewith, if Ceylon Petroleum Corporation had succeeded *it stood to gain only US \$ 10.5 Mn. !* In the context of the claim of Citibank, presumably with commercial interest compounded on a daily basis, the purported claims with applicable interest could rise to the region of nearly US \$ 2000 Mn. *! These are funds of the people, which had been gambled with !* What action has the Government taken to date to deal with those, who have blatantly breached the doctrine of public trust, in *wagering* with the monies of the people ? *Has not the hallowed sermon of Arahath Mahinda been spurned ?*

j) Blatantly contravening the express direction of the Central Bank not to remit funds abroad in relation to these transactions, Standard Chartered Bank had remitted US \$ 107,778,700/- out of the country between 12.12.2008 and 14.4.2009, *as declared by Affidavit to the Supreme Court by the Controller of Exchange*. Why did the Attorney General not indict Clive Haswell, CEO of Standard Chartered Bank, who had denied this in his Affidavit to Court, and has now left the country ? *Compare this with the indictment filed against Ravi Karunanayake M.P., for allegedly aiding and abetting to remit US \$ 3 Mn. into the country for the acquisition of shares to revive a Bank, with the knowledge of and disclosure to the Governor Central Bank, since such monies had not been credited to a SIERRA Account by the Standard Chartered Bank !*

11. a) The scandalous Hilton Hotel fraud, *was upheld as a strong prima-facie case of fraud by the Supreme Court*, and with a Special Presidential Commission of Inquiry, having recorded

the evidence of 28 Witnesses, with the assistance of the Criminal Investigation Department, having issued Charge Sheets on 4 persons on grounds of *fraud against the Government* ! The Commercial High Court directed the removal of KPMG Ford Rhodes Thornton & Company, Auditors of the Company !

b) My timely action prevented the precipitation of an *international cross default* on the country's foreign borrowings, with the foreign exchange reserves being critically low at that time. My action at that time in such context was appreciated and commended by many, including Mr. Ranil Wickramasinghe, *regardless of K.N. Choksy P.C., M.P. having been a party impleaded as a wrong-doer* !

c) Warrant of the Special Presidential Commission of Inquiry was not extended by the former President Kumaratunga, *as subsequently confessed to me*, in circumstances of Justice & Constitutional Minister G.L. Peiris having intervened with the President, on behalf of K.N. Choksy P.C., M.P., one of the persons so charged, *he having agreed to co-operate to enact the proposed Constitution of August 2000* !

d) Minister G.L. Peiris, himself, was an affected person, since, as a former Member of the Securities & Exchange Commission, *a law enforcement authority*, he had failed to act as statutorily mandated, as was determined by Attorney General, Tilak Marapana, P.C., and hence, he consequently precipitated *a perverse controversy* to cover up his major scandalous fraud !

e) Consequently in 2004, the President Kumaratunga directed the Inspector General of Police to cause the Criminal Investigation Department to investigate and take warranted action on this scandalous fraud, *with the then Attorney General having concurred that there was irrefutable evidence of criminality* !

f) Consequently my statement was recorded by the Criminal Investigation Department, upon which the original documents required were traced to the Department of National Archives, to which the former Secretary to the President acting on behalf of the Special Presidential Commission of Inquiry, had transmitted for safe keeping. Even though in terms of the National Archives Law you authorized the Criminal Investigation Department to obtain these original documents from the Department of National Archives, where they were identified to be available, *the Criminal Investigation Department intriguingly did not pursue the matter, with any interest* !

g) Subsequently, you even addressed Letter dated 15.3.2007 to the Attorney General stressing the importance of this matter for the enforcement of the Rule of Law in our country, *which went unheeded by the then Attorney General*. The Criminal Investigation Department intimated to me, that the Attorney General's Department *had raised more queries to discourage the investigation*, than to proceed with the investigation. Criminal Investigation Department Officials *themselves have conceded* that this in fact was one of the *major frauds* in our country ! *Does this not speak volumes of the perverse manner of enforcement of the Rule of Law in our country, when it effects socio-politically influential persons* ?

h) Consequent to my sustained actions, amidst several obstructions and severe pressures exerted against me, including in relation to my professional services, the foreign collaborators wrote-off 10-years accumulated interest and 30% of the capital in June 1995, re-scheduling the balance Loan for a further period of 15-years at a reduced rate of interest. This write-off amounted to US \$ 207 Mn, then equivalent to SL Rs. 10,200 Mn., in June 1995, which at 12% p.a. interest today would be equivalent to SL Rs. 55,000 Mn. or US \$ 470 Mn. In this context, I was amused when the Hambantota Airport was launched with fanfare, *announcing that it is to cost US \$ 200 Mn.* !

i) These were mere civil actions, and after the Supreme Court upheld the interim injunctions, I could have easily abandoned these actions, *particularly since regardless of the national and public interest*, the Attorney General persistently opposed me, and those in power unduly pressurized with influence ! In fact, interested parties approached me, *like those who lobby with Ministers & Officials for public contracts for private gain*, endeavouring to *'financially induce'*

me to abandon the actions, *by the simple non-appearance in Court as the Plaintiff !* I steadfastly and patriotically rejected such shameless endeavours with contempt and *achieved the above for the country !*

j) In the given circumstances of inaction by the law enforcement authorities, and having defended, incurring time and costs, the interest of the Government in several vexatious litigations, to protect the interest of the State, I instituted a Winding-up Application, to ensure that the Hotel project would become 100% owned by the State; the Land at my instance having already been vested, on the advice of the then Attorney General, in the State in July 1999. *Such Application by me was opposed by the Government, acting through the Secretary to the Treasury, P.B. Jayasundera and the Attorney General !*

k) The Company has a continuing defaulted debt of Rs. 8718 Mn. as at 31.12.2008 to the Government, and has an *accumulated loss* of Rs. 9043 Mn., as at 31.3.2009, against the Stated Capital of only Rs. 452 Mn., of which Rs. 250 Mn., has been standing as not paid for ! The Company and its Directors, including the Secretary to the Treasury, are in *gross violation* of the provisions of the Companies Act No. 7 of 2007, which mandates the Company to be wound-up in such given circumstances, and they now stand *personally liable* for such debt ! *Can a Government majority owned and controlled Company blatantly flout the law and could such be tolerated ?*

12. a) You are aware that consequent to the 'repealing' of the infamous Amnesty of 2003, *in the guise of a Tax Amnesty*, a Writ Application made by me *in the public interest* is pending in the Court of Appeal for the due enforcement of the provisions of the Inland Revenue Act. The Attorney General as far back as October 2005 agreed to the grant of Writs, as prayed for, and later agreed to give Undertakings in Court, to ensure the due and proper enforcement of the provisions of the Inland Revenue Act, and Terms of Settlement had been finalized by the Attorney General.

b) The main issues are the due compliance with the statutorily mandated requirements under and in terms of the Inland Revenue Act, for the Commissioner General of Inland Revenue, - (i) to report instances of suspicion of bribery to the Bribery Commission, and - (ii) to report instances of suspicion of offences under the Customs Ordinance to the Director General Customs, and - (iii) to report instances of suspicion of offences under the Exchange Control Act to the Controller of Exchange.

c) The Inland Revenue Department does not comply with these important statutorily mandated requirements, and the *Attorney General has been unable since October 2005 to have such undertakings to comply with the Statute to be recorded in Court !*

d) I gave extensive evidence before the Presidential Commission of Inquiry into the scandalous and colossal VAT Fraud, *inter-alia*, disclosing that *my attempt to have the matter referred to the Criminal Investigation Department in June 2005 was thwarted*, with the then Commissioner General of Inland Revenue, R.P.L. Weerasinghe, now Advisor Ministry of Finance, acting in concert with Secretary to the Treasury, P.B. Jayasundera, appointing an internal Departmental Committee to inquire thereinto, and wittingly or unwittingly, thereby affording an opportunity for some of the relevant files and records to have gone missing, by the time the matter was much later referred to the Criminal Investigation Department for investigation *resulting in criminal prosecution !* Ought not the Presidential Commission of Inquiry Report be made public, *inasmuch as it involves colossal monies of the people ?*

13. a) You are aware that the PA Government 'rode' to power at the General Elections of April 2004, principally astride the 'controversy' created, by the Supreme Court pronouncement, that the infamous Amnesty of 2003 had *'defrauded public revenues causing extensive loss to the State'*, and was *'inimical to the Rule of Law'*, which was repealed by the very first Act enacted by the PA Government !

b) The above was as a consequence of the persistent challenge and crusade, I personally initiated and relentlessly pursued against such perverse Amnesty, and as a consequence, I

played a 'pivotal role' in the PA Election Campaign of April 2004, holding out publicly to the country, that fraud and corruption would be effectively combated, ensuring good governance of the country, and the upholding and enforcement of the Rule of Law !

c) I have *repeatedly* stated to you, that in such circumstances, having had an 'intrinsic stake' and duty and obligation to the people, I cannot be a mere '*silent party*', in the face of the blatant erosion of governance, with scant regard and respect for the Rule of Law, and fraud and corruption rampantly prevalent, *as now acknowledged by the President*, as referred to at the beginning of this E-mail.

I look forward to receiving your considered responses to the foregoing issues of national and public importance, involving the resources of the people, held and managed in trust on their behalf; *taking the larger picture into account of the interest of the country and the people.*

Yours sincerely,

Nihal

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Consultants 21 Ltd.
www.consultants21.com

 **Replies.pdf**
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