

**BY COURIER**

18<sup>th</sup> April 2008

His Excellency Mahinda Rajapakse  
President of the Republic of Sri Lanka / Minister of Finance  
Temple Trees  
Colombo 3.

Your Excellency,

Please accept my best wishes for the New Year.

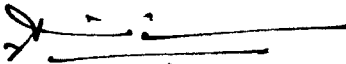
I refer to Letter dated 21.2.2008 sent by your Assistant Secretary on your direction on my Letter dated 19.12.2007 forwarded to you.

I enclose a copy of my Letter of even date addressed to Mr. Sisira Mendis, Deputy Inspector General of Police, Criminal Investigation Department on the same subject referred to in my aforesaid Letter, with copies to the persons named therein.

I urge that action to enforce the 'rule of law' as warranted is taken, without any further delay and indifference by the law enforcement authorities, irrespective of the social status and the standing of the parties concerned, to ensure equitable social justice.

The grave and serious crime complained of was an unpardonable traitorous act against the people and our country.

Yours truly,



Nihal Sri Ameresekere

**BY COURIER**

18<sup>th</sup> April 2008

**IMPORTANT**

Mr. Sisira Mendis,  
Deputy Inspector General of Police  
Criminal Investigation Department  
4<sup>th</sup> Floor, New Secretariat Building  
Colombo 1.

Dear Mr. Mendis,

**Criminal Prosecution against Mr. K.N. Choksy P.C., M.P.  
& Mr. R. Paskaralingam & Others**

My congratulations on your appointment as DIG-CID, and my best wishes for the New Year !

I refer to Letter dated 4.4.2008 addressed to me, on behalf of Director, CID, by Chandra Nimal Wakishta, Senior Superintendent of Police, with copy to Hon. Attorney General, on the above-mentioned subject, which was personally delivered to me in my office, by Sub-Inspector Gunatilleke of the CID. *Copy of the said Letter is attached for your reference.*

I acknowledged the receipt of the said Letter, with following endorsement made thereon:

***"I do not agree with the above position. I shall reply as I may be advised on the matter" –  
"Please inform the Hon. Attorney General".***

Accordingly, I refused to accept the several documents, including a photocopy of the Plan in issue, which had been furnished by me to the CID, upon they recording my statement of complaint on or about 12.3.2004, and followed-up, as requested, forwarding further documents with my Letter dated 15.3.2004. Hence, Sub-Inspector Gunatilleke took the said documents back to the CID.

On the very same day, I telephoned you and briefly informed you of the foregoing matter, and intimated that I would submit a reply after the New Year !

At the very outset, I reiterate that I cannot agree with the contents of the said Letter. In fact, I assisted the CID to trace the documents to the Department of National Archives, and caused the Secretary to the President, Mr. Lalith Weeratunga, to direct the Department of National Archives, to release the said documents in terms of the National Archives Law. I was made to understand that the Department of National Archives had agreed to do so, whereas on the contrary, then SSP-CID questionably endeavoured to make a futile attempt to photocopy the voluminous documents, as evidenced by his Letter dated 19.10.2006, *copy attached; thereby giving the lie to the stance, that documents are not available !*

In addition, I had pointed out that documents, which had been acceptable to and admitted in the Supreme Court are also with the Commercial High Court, having been transferred from the District Court. Furthermore, that copies of documents are also with the Attorney General's Department, they having appeared in my civil action, and also having assisted the Special Presidential Commission.

Secretary, Special Presidential Commission, Mr. S.K.P. Bambarenda, who on behalf of the then Secretary to the President, had transmitted the aforesaid documents to the Department of National Archives, was the person who confirmed to me that the aforesaid documents are at the Department of National Archives, when in the first instance they had questionably indicated to the CID, that they had no such documents, but later when confronted with Mr. Bambarenda's disclosure, reneged on their earlier position, as evidenced by the aforesaid Letter ! Mr. Bambarenda, who at present is the Co-ordinating Secretary to Mr. Mahinda Madihewa, Secretary, Ministry of Labour, confirmed to me that **an inventory of the aforesaid documents transmitted to the Department of National Archives had been made, and which too, would be available at the Department of National Archives !**

As requested in September 2007, I called over at the CID, and after discussions, I was requested to assist the CID to accompany the CID to trace the documents, particularly Sub-Inspector Gunatilleke, who I was informed was thereafter transferred outstation for a considerable period of time. Mr. Bambarenda being the State Official, who transmitted the said documents to the Department of National Archives, when phoned by me from the CID, consented to come and assist to trace them, if necessary. However, my cogent question to the then SSP-CID was, as to why a "B" Report could not be filed, as is the normal case, and an Order of Court obtained to retrieve the said documents. **I was informed that then Director-CID was reluctant to do so !**

This was indeed most baffling, because I have first hand experience of seeing "B" Reports filed by the CID, on the advice of the Hon. Attorney General and his Officials, comparatively on far more trivial matters, whereas this being a matter of national economic proportions and of far greater gravity, ought to be dealt with, with far greater zealousness and commitment; however I am intrigued by the questionable and unenthusiastic indifference ! Law enforcement ought to have been with far more greater dedication and commitment, with the Supreme Court having upheld this to be a serious case of fraud on the Government, observing that the government could not be indifferent, **which necessarily includes the law enforcement authorities.**

In addition, a Special Presidential Commission of Inquiry, after investigations by the CID Officers on the advice of the Hon. Attorney General represented by the then Solicitor General, had issued Show Cause Notices on the aforementioned and other persons containing several charges on grounds of fraud committed against the Government, which were in fact prepared by the then Solicitor General. Hence this investigation before the CID for prosecution is not on a mere complaint by me, as a citizen, as in other cases. *Therefore, it is beyond comprehension, as to what is the apparent difficulty now ?*

Furthermore, I am indeed quite amused of the implication or connotation in the aforesaid Letter, that the original Plans are essential to launch a criminal prosecution ! I have to believe that this has been the advice proffered by the Officials of the Attorney General's Department ! I am advised that this is contrary to statutory provisions in the criminal law and applicable case law ! Ironically, I myself have witnessed, where in the absence of even a photocopy of the original document, and on the mere reference to such a document in an *ex-parte* report, a prosecution has been zealously and successfully carried out by the Officials of the Attorney General's Department. *Hence, it begs the question, as to why such duplicity ?*

I am advised that more than adequate documents and corroborative circumstantial evidence are available for criminal prosecution, which, however, had not been adequately examined and addressed or the relevant facts clarified from me, who successfully carried out a civil prosecution and assisted the Special Presidential Commission to issue Charge Sheets on grounds of fraud committed against the Government i.e. the country.

This inquiry by the CID commenced with the Letter dated 23.12.2003, *copy attached*, by the then Hon. Attorney General, **who at a discussion having examined the facts and documents, conceded that there was irrefutable evidence of criminality.** Significantly, thereafter it was you, as then Director-CID, who wanted to have my statement recorded on or about 12.3.2004, stating that it was an urgent and important matter, **and quite rightfully so !** However, thereafter I have been intrigued, as to the unenthusiastic and uncommitted manner, in which this matter of national economic proportions and gravity has been handled, notwithstanding the foregoing, both by the Attorney General's Department and the CID, whereas I can cite cases of far less gravity and triviality handled zealously and committedly, which I have cited in some of my correspondence. The CID got activated again only after I made a complaint to the Police Commission and the Police Commission called for a Report from the IGP.

Being reasonably aware, as to how investigations and prosecutions are supervised and directed by the Hon. Attorney General and his Officials, I cannot fault the CID, since I verily believe, that the Hon. Attorney General and his Officials are questionably unenthusiastic *vis-à-vis* such fraud of national economic proportions and gravity, notwithstanding the Supreme Court having upheld a serious case of fraud, and a Special Presidential Commission, chaired by a Supreme Court Judge, with 2 Appeal Court Judges as Members, assisted by the **Solicitor General, having framed charges of fraud committed against the Government !**

I am not surprised at all, in that, excluding the Hon. Attorney General, Sunil de Silva P.C., who did not oppose my prosecution of the civil action in the interest of the country, the subsequent Hon. Attorney Generals and Officials, questionably '*kicking the rule of law*' opposed my civil prosecution, I verily believe, due to socio-political influences and pressures by parties impleaded, who in fact were castigated by the District Judge in his Order issuing the interim injunctions ! The only other Hon. Attorney General, who appreciated the facts of this case and its national importance and gravity, and acted accordingly, is the present Chief Justice His Lordship Sarath N. Silva P.C., at the time he was the Hon. Attorney General.

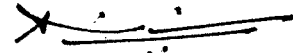
As intimated, I wish to call over for a proper and meaningful discussion on this grave and serious matter, in view of the volume of facts and gravity of this matter, which I cannot again repetitively include in this Letter. A perusal of the Files at the CID will disclose that I have made several written representations disclosing material facts to assist and urge the CID to enforce the 'rule of law', irrespective of the social standing and status of the personalities concerned ! If required, I can make photocopies of my said Letters and forward same to you !

I wish to however place on record, that I have made **two** complaints to the CID, **one** on the fraud perpetrated on the government and attempts to cover-up the same, *which ironically would include certain Officials of the Attorney General's Department, which therefore begs the question, as to whether the Hon. Attorney General and his Officials are eligible to advise on this matter, and two*, an attempt to make fraudulent payments, that too, in foreign exchange, in the region of US \$ 207 Mn., in 1995, *which today would amount to over Rs. 45,000 Mn.*, an offence under and in terms of Section 10 of the Offences Against Public Property Act No. 12 of 1982. **The said Letter dated 4.4.2008 under reference has no bearing, whatsoever, to my such second complaint !**

I attach for your kind information and necessary action, Letter dated 15.3.2007 addressed to the Hon. Attorney General by Mr. Lalith Weeratunga, Secretary to the President.

Attempting to perpetrate a fraud of this magnitude on the Government and the country, which was prevented by me, is a grave crime on the country and its people, whereas *on the contrary endeavouring to sweep such crime under the carpet, and shield the parties involved in such grave crime, is a far graver crime and a denial of equitable social justice !*

Yours truly,



Nihal Sri Ameresekere

cc: Mr. Victor Perera, Inspector General of Police  
Mr. Gotabhaya Rajapakse, Secretary, Ministry of Defence

Mr. C.R. de Silva, Hon. Attorney General

Mr. S.K.P. Bambarenda, Co-ordinating Secretary, to the Secretary, Ministry of Labour

Mr. Neville Piyadigama, Chairman, Police Commission

Ven. Elle Gunawansa, Member, Police Commission / Chairman, Committee to combat Fraud, Bribery & Corruption

Mr. Lalith Weeratunga, Secretary to the President

**BY COURIER**

18<sup>th</sup> April 2008

**IMPORTANT**

Ms. Chandima Wickramasinge  
Assistant Secretary to H.E. the President  
Presidential Secretariat  
Colombo 1.

Your Ref No. SB/3/1/8(II)

Dear Madam,

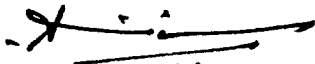
I refer to your Letter dated 21.2.2008 sent on the direction of H.E. the President on my Letter dated 19.12.2007 forwarded to him.

I enclose a copy of my Letter of even date addressed to Mr. Sisira Mendis, Deputy Inspector General of Police, Criminal Investigation Department on the same subject referred to in my aforesaid Letter, with copies to the persons named therein.

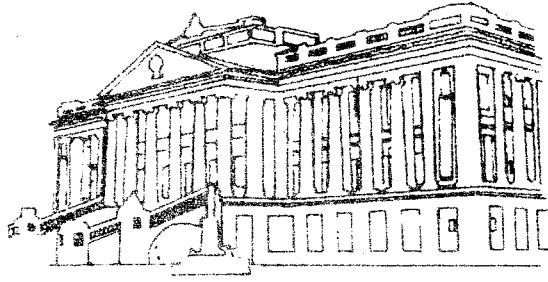
I refer to the recent telephone conversation had with you and urge you to apprise the Secretary to H.E. the President and H.E. the President correctly of the facts, and ensure that action to enforce the 'rule of law' as warranted is taken, without any further delay and indifference, irrespective of the social status and the standing of the parties concerned, to ensure equitable social justice.

The grave and serious crime complained of was an unpardonable traitorous act against the people and our country.

Kind regards,



Nihal Sri Ameresekere



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சனாதிபதி அலுவலகம்  
PRESIDENTIAL SECRETARIAT

මගේ අංකය  
எனது இல.  
My No.

ඔබේ අංකය  
உமது இல.  
Your No.


කොළඹ 1  
கொழும்பு 1.  
Colombo 1.

My No: SB/3/1/8 (II)  
February 21, 2008

Mr Nihal Sri Ameresekere  
167/4,  
Sri Vipulasena Mawatha  
P O Box 1796  
Colombo

I am directed by His Excellency the President to acknowledge with thanks receipt of your letter dated December 19, 2007.

Sgd/Lalith Weeratunga  
Secretary to the President

  
Chandima Wickramasinghe  
Assistant Secretary to the President

**FAX / COURIER**

**IMPORTANT**

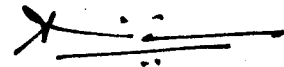
19<sup>th</sup> December 2007

His Excellency Mahinda Rajapakse  
President of the Republic of Sri Lanka

Your Excellency,

I re-submit my Letter of yesterday i.e. 18.12.2007, with the facts stated in the 2<sup>nd</sup> page thereof amplified for clarity.

Yours truly,



Nihal Sri Ameresekere

cc: Mr. Lalith Weeratunga, Secretary to H.E. the President  
Mr. Gotabaya Rajapakse, Secretary, Ministry of Defence, Public Security, Law & Order  
Mr. Victor Perera, IGP

Justice Priyantha Perera Esqr.

**FAX / COURIER**

**IMPORTANT**

18<sup>th</sup> December 2007

His Excellency Mahinda Rajapakse  
President of the Republic of Sri Lanka  
Temple Trees  
Colombo 3.

Your Excellency,

I refer to the front page headline in the *Daily News* of December 11, 2007 – “**Japan pledges Yen 1.9b aid for Sri Lanka**”. This was the caption to the news report that the Japanese Government had pledged a total financial assistance package worth **Yen 1,900 million** during your visit to Japan in **December 2007**.

In this context, I draw kind attention to the fact that the **write-off** on ‘fraudulent claims’ on Government Guarantees, obtained by me for the Government in **June 1995**, consequent to my sole, sustained efforts, amidst severe obstructions and obstacles, amounted to **Yen 17,586 million**. **This is over 9 times the above aid package of Yen 1,900 million, that too, over 12 years ago, from which you would now realise, the ‘colossal magnitude’ of the said write-off.** The said write-off was equivalent in June 1995 to Rs. 10,200 million, and @ 12% p.a. interest would be equivalent to over Rs. 42,000 million in **December 2007**.

You are aware, that the Supreme Court upheld a strong prima-facie case of fraud, with real prospect of success of being proven, observing that the Government, as the major Shareholder and Guarantor, could not be indifferent. Subsequently, a Special Presidential Commission was appointed, chaired by Supreme Court Judge, Priyantha Perera Esqr., *currently appointed by you, as Chairman, Public Service Commission and Chairman, Presidential Commission to inquire into Failed Finance Companies.*

The Commission after investigations conducted by the CID, assisted by the Attorney General’s Department, served Show Cause Notices on 4 persons, on Charges of fraud against the Government. The Warrant of the Commission was not extended, after one of the Commissioners late Appeal Court Judge, F.N.D. Jayasuriya Esqr., fell ill.

Thereafter in March 2004, the CID acting on the advice of the Attorney General recorded my Complaint. A team of Officers, headed by CID Inspector Mr. P. Visvanathan, after recording my statement and examining documents, conceded that it was one of the major frauds that they had come across.

Notwithstanding my regular representations to the law enforcement authorities, compared with other inquiries, such as the ‘Cricket Board Case’ and ‘Helping Hambantota Case’, investigated with ‘amazing haste and enthusiasm’, this major fraud on the Government, upheld by the Supreme Court and the Special Presidential Commission, curiously appears to have been ‘swept under the carpet’. Recently, on my Complaint, the National Police Commission intervened to call for a report from the IGP.

Thereafter, the CID contacted me and wanted to trace the original documents, which I had assisted to trace to the Department of National Archives, with which Department the then Secretary to the Special Presidential Commission, Mr. S.K.P. Bambarenda, present Co-ordinating Secretary, Ministry of Labour, confirmed having deposited filing a complete inventory of all documents he had lodged. I pointed out to the CID that all Documents are also available at the Commercial High Court, based upon which, the Supreme Court Judgement was delivered.



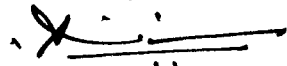
My Complaint to the CID has been twofold:

1. A Complaint in terms of the Offences Against Public Property Act No. 12 of 1982, in respect of the dubious attempts made, disregarding my objections, by **Mr. K.N. Choksy P.C., M.P.**, *\*(who was one of the 4 persons charged by the Special Presidential Commission)* misusing and abusing his political and influential position, to somehow surreptitiously cause the full payment by the Government under Government Guarantees, which included the above Yen 17,586 million, made to the Japanese, thereby causing loss to the Government, which is an Offence under the said Act No. 12 of 1982, which is a non-bailable offence, with punishment of imprisonment not exceeding 20 years and fine of 3 times the loss or damage caused or attempted to be caused to public property, in this instance, public monies under Government Guarantees.
2. A Complaint of fraud perpetrated in the construction of the Hotel *prima-facie* upheld by the Supreme Court, and after inquiry upheld by the Special Presidential Commission (and recently conceded by the UDA), with forgery and falsification of documents, and including the obtaining of Government Guarantees on false representations, in a blatant attempt to siphon-off a large extent of foreign exchange from the country, and to thereby cause loss to the Government, falling within the purview of the Penal Code and also the said Act No. 12 of 1982.

My question to the CID, was as to why a 'B' Report was not filed in the Magistrate's Court, like in other instances, such as the 'Cricket Board Case' and 'Helping Hambantota Case', to obtain the original documents from the Department of National Archives, for which your Secretary, Mr. Lalith Weeratunga had already issued a Letter, as had been required. Furthermore, I pointed out that in the 'Cricket Board Case', in the absence of original documents, photocopies and other documents were used for prosecution. Hence, why such double standards? Your Secretary, Mr. Lalith Weeratunga by Letter dated March 15, 2007 wrote to the Attorney General on this major fraud perpetrated on the Government. Whilst my Complaint was recorded by CID over 3 years ago, I believe that the statements of those culpable have not been recorded, *raising the question why?*

Not only did my efforts save the Government and the country a colossal amount of money in foreign exchange, but also the Land, on which the Hotel stands, which Land at my instance, on the advice of the then Attorney General, present Chief Justice, Sarath N. Silva Esqr., was surrendered in July 1999 to the Government by the UDA, and for the use of which Land the Government has not received any rental from the Hotel. My proposal to secure a 100% ownership of this Hotel for the Government, as opposed to the present 64%, with several vexatious litigations, has questionably been opposed by the Secretary to the Treasury, whereas previously he had endorsed such action. Thereby he is knowingly causing grave loss to the Government and to the People. Would this not itself warrant action in terms of the law?

Yours truly,



Nihal Sri Ameresekere

cc: Mr. Lalith Weeratunga, Secretary to H.E. the President  
Mr. Gotabaya Rajapakse, Secretary, Ministry of Defence, Public Security, Law & Order  
Mr. Victor Perera, IGP

Justice Priyantha Perera Esqr.

**\*Note:** The District Court referring to Mr. K.N. Choksy P.C., M.P., *inter-alia*, observed in its Order granting the interim injunctions preventing payment to the Japanese thus - "exercising the influence, .... gained in society, acting together with the Company, to prevent the raising of the questions concerning the matters of the work in connection with the Contracts, the Prospectus .... having intervened therein in such matter, acting to obtain the said monies, had not readily acted to conduct a correct examination .... having prevented such correct examination, were attempting to, howsoever, effect the payment of monies .... If the position, that explains this is correct, then this actually, is an instance of acting in fraudulent collusion", which Order of the District Court was upheld by the Supreme Court, where Mr. K.N. Choksy P.C., M.P., was named as one of the 'wrong-doer' Directors, with his wrong-doings placed before Court.

BY COURIER

18<sup>th</sup> April 2007

Mr. Lalith Weeratunga  
Secretary to His Excellency the President  
Presidential Secretariat  
Colombo 1.

Dear Sir,

My very best wishes for a successful New Year !

I thank you for your Letter dated 15.3.2007 forwarded to the Hon. Attorney General, with copy to me, on the matter of the fraud perpetrated on the Government in the construction of the Hilton Hotel of Hotel Developers (Lanka) Ltd. (HDL), *a Company majority owned by the Government, and which had been funded on the basis of Government Guarantees issued.*

Though I meant to respond to the above Letter promptly, I could not do so, due to pressure of work, including pertaining to the new Companies Act, and the New Year Holidays !

Particularly, since a new Hon. Attorney General has assumed Office, I set out below very briefly, the pertinent facts to apprise him thereof. I shall be most willing to offer him any clarifications and/or explanations, with copies of relevant documents:

1. In September 1990, D.C. Colombo Case No. 3155/Spl, settled by Late Mr. P. Navaratnarajah Q.C. and Mr. K. Kanag-Isvaran P.C., was instituted by me, as a derivative action in law, in the right and on behalf of HDL, represented by the Hon. Attorney General (*The Hon. Attorney General, so informing me, did not oppose my action in the interest of the country.*)
2. In October 1991, the District Court upheld my Case as a strong *prima-facie* case of fraud and issued interim injunctions *preventing any payments even under the Government Guarantees, inter-alia*, observing that they were issued to *prevent the devious siphoning out of a large scale of foreign exchange from the country*, and that persons, *who had gained influence in society*, exercising such influence (*read with the Complaint this particularly refers to Mr. K.N. Choksy P.C., M.P.*) had prevented the raising of questions, *whereas generally a company would raise questions and would not allow other parties to act arbitrarily*; and if the position set out is correct, *then this is actually an instance of acting in fraudulent collusion.*
3. In December 1992, the Supreme Court affirmed the interim injunctions, *inter-alia*, observing that I had a reasonable and real prospect of success, and not fanciful, even in the light of the defences raised in the pleadings, objections and submissions of the Defendants, and that in the given circumstances, *the Government could not be indifferent, having made itself eventually responsible for the re-payment of monies borrowed by HDL.*
4. In March 1995, a Special Presidential Commission, comprising Supreme Court Judge P.R.P. Perera J and Court of Appeal Judges. H.S. Yapa J and Late F.N.D. Jayasuriya J. was appointed to investigate, *among other matters*, into this fraud. The Commission was assisted by the CID and by the Solicitor General Mr. Douglas Premaratne P.C.. on behalf of the Hon. Attorney General.

5. In December 1995, after recording of evidence of 24 Witnesses, including Officials of the Ministry of Finance, UDA, Ceylon Tourist Board, Colombo Municipal Council, Ceylon Electricity Board, Fire Brigade and Fort Police, and after having obtained a Report from Panel of 3 Chartered Architects, the Commission issued Show Cause Notices on Mr. K.N. Choksy P.C. M.P., Mr. R. Paskaralingam, Mr. C.L. Perera and F.G.N. Mendis, setting out several charges, as framed by Solicitor General on behalf of the Hon. Attorney General, on the following grounds;

"The aforesaid acts of commission and/or omission on your part were fraudulent and were detrimental to the interests of the said Company and/or the Government of Sri Lanka, in its capacity as the major Shareholder, causing financial loss and damage to the said Company and/or the Government of Sri Lanka"

"Having regard to the matters set out hereinabove, you are hereby required to show cause as to why you should not be found guilty of misuse or abuse of power and/or corruption and/or commission of fraudulent acts in terms of Section 9 of the Special Presidential Commission of Inquiry Law No. 7 of 1978, as amended "

6. Subsequently in March 1996, it was discovered before the Commission (*a fact not discovered at the time of the Supreme Court Judgment and the issuance of the above Show Cause Notices*), that the *floor elevations* depicted on the floor sheets of the substituted architectural plans (*original plans were missing*) of the Hotel Building, described as "amended plans" and approved by the UDA on 29.4.1986, are not the same *floor elevations* given in respect of the corresponding floors on the cross-sectional sheets forming a part and parcel of the very same UDA approved plans.

The 3<sup>rd</sup> and 4<sup>th</sup> floors were shown to be at the same *elevation* of 24.5 meters, whilst the 19<sup>th</sup> floor and the Roof of the 19<sup>th</sup> floor were shown to be at *elevations* of 72.7 meters and 72.5 meters, respectively. *The Commission observed this to be an inherent, intrinsic impossibility, raising the question, as to how the UDA could have ever approved such a plan ?* Furthermore, the sheet numbers given on the "amended plans" reveals the absence of the 'basements', in that, the relevant sheets are missing !

7. In February 2005, the UDA having examined the substituted architectural plans described as "amended plans", conceded that the architectural plans are fraudulent / irregular, and therefore undertook to prepare a 'measured drawing' of the Hotel Building actually constructed, and forwarded the same in September 2005.
8. With one of the Commissioners having fallen critically ill, the Inquiry was not concluded and the Warrant of the Commission having thereafter expired, all the Documents of the Commission were transmitted by the Secretary to the President to the Department of National Archives. Nevertheless, in September 1999, Mr. D.Y. Liyanage, then Deputy Secretary to the Treasury, as the Chairman of HDL, as authorised and empowered by the Board, caused the HDL Lawyers to write to the CID to investigate this matter and to take appropriate action.
9. Subsequently, the Hon. Attorney General having advised to investigate, the Director CID, Mr. Sisira Mendis required my Statement to be recorded. Accordingly, my Statement / Complaint was recorded as far back as 12.3.2004 (*Vide - my Letter to CID dated 15.3.2004*) by a team of CID Officers, led by Inspector of Police Mr. P. Visvanathan ! The CID Officers upon the documentary evidence presented were taken aghast and expressed the view *that this was the biggest fraud they had come across in their entire career !* However, upon a subsequent visit, at his request to the office of the former DIG-CID, I was taken aghast to find that the documents I had handed over to the CID upon the recording on my statement on 12.3.2004, were 'neatly' tied up, gathering dust !

10. Consequently, I assisted the CID to trace the relevant documents of the Commission to the Department of National Archives, and you, in terms of Section 23 of the National Archives Law, required the Documents to be released for investigation by CID. In such circumstances, I could not comprehend, why the CID was endeavouring to obtain 'photocopies' of a very large volume of Documents, including Architectural Plans, without having obtained the relevant documents / initiating proceedings *as normally done in other cases*, in the Magistrate's Court, obtaining orders to retrieve documents and to record statements of the concerned persons ?
11. In fact, authenticated copies of the relevant Documents, upon which the District Court issued interim injunctions and Supreme Court delivered Judgment, are available in the Commercial High Court. Furthermore, the proceedings and authenticated copies of documents would be available at the Attorney General's Department, having been in the custody of then Solicitor General Mr. Douglas Premaratne P.C., then Deputy Solicitor General, Late Mr. A.R.C. Perera P.C., and finally with Solicitor General Mr. Saleem Marsoof P.C., who assisted the Commission.
12. **In addition** to the matter of the aforesaid fraud, I had complained to the CID on the Offence of 'aiding and abetting' i.e. 'attempting' to commit an offence in terms of Section 10 of the Offences Against Public Property Act No. 12 of 1982 by Mr. K.N. Choksy P.C. M.P. and Others, in that attempting to somehow cause the wrongful and unlawful payment of Government monies under Government Guarantees, under fraudulent / false representations.

My aforesaid action prevented such fraud on the Government and resulted in the write-off in June 1995 of 'alleged claims' amounting to Jap. Yen 17,586 Mn., (then equivalent to US \$ 207 Mn. Sri Lanka Rs. 10,200 Mn.) *In fact, Mr. K.N. Choksy P.C. M.P. having prevented an independent physical examination, thereafter endorsed in writing that the entire payments be made, and subsequently futilely attempted to jeopardise my above action, resorting to misuse and abuse of political power, including attempting to bring upon undue influences and pressures even on the Hon. Attorney General !*

I quote Section 10 of Act No. 12 of 1982 -

"10. Any person who attempts to commit an offence punishable under this Act, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall be punished with such imprisonment of either description as is provided for the offence and with such fine, as is provided for the offence."

I am advised that the offence of aiding and abetting stands on its own, even if the principal act attempted had not been committed / prevented from being committed.

13. In fact in my Letter dated 29.5.2006 to the IGP, whilst setting out the background, I, *inter-alia*, stated thus:

"Notwithstanding the gravity and the national economic proportions of this economic crime, I regret that the CID has been 'tardy' in this investigation, particularly when compared with the haste and speed at which the following subsequent matters have been investigated by the CID, as per advice / directions of the Hon. Attorney General, with proceedings commenced in the Magistrates' Courts -

- Rs. 1 Mn. alleged Offence by Mr. Abdul Cader M.P. in terms of Offences Against Public Property Act No. 12 of 1982 (*I recently read a newspaper report that he has now been indicted in the High Court*)
- Investigations into Accounts of Sri Lanka Cricket for alleged malpractices including re- a payment of UK Pds 1500/- as an alleged Offence under the Immigrants & Emigrants Act (*Recently the Hon. Attorney General obtained a conviction*)
- Alleged misappropriation of Rs 82 Mn. in the 'Helping Hambantota' issue. found fault with by the Supreme Court."

"I drew attention to the Offence to attempt to commit an Offence in terms of Section 10 of the Offences Against Public Property Act No. 10 of 1982. In this instance, the attempt to fraudulently obtain a large scale of foreign exchange from the Government under Government Guarantees, including by cheating, forgery, false certification of records and accounts, etc."

In complete contrast to the inaction vis-à-vis the aforesaid major crime of national economic proportions, that too, upheld by the Supreme Court, and even warranting the framing of Charge Sheets by the Hon. Attorney General, on grounds of fraud against the Government to be issued by the Special Presidential Commission, "after investigations carried out by the CID under the supervision by the Hon. Attorney General, it was reported in the media in October 2006, that a former Chairman of Sri Jayawardenapura Hospital had been convicted, for conspiring to misuse cheques to the value of Rs. 64,000/- belonging to Musaeus College, Colombo, fraudulently, and for criminal breach of trust, in the Magistrate's Court, in a prosecution by the State.

In addition also in complete contrast, recently, very expeditiously, proceedings were initiated in the Magistrate's Court against Mr. Sripathy Sooriarachchi M.P., for an alleged misuse of a Government Motor Vehicle, under the aforesaid Offences Against Public Property Act No. 12 of 1982 !

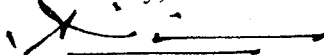
Whilst as a civic and constitutional duty (*vide - Article 28 of the Constitution*) to protect, and combat the misuse and waste of public property, in this instance, a large scale of Government monies in foreign exchange, I instituted civil action, it is the obligation and duty of the State to have taken prompt and effective criminal action, regardless of the personalities concerned and/or any socio-political considerations !

The then Minister of Justice reiterated in public the Government's commitment that punitive action will be taken by the legal machinery against the offenders, in combating the pillage and plunder of public resources in this instant case. Subsequently, he informed Parliament that show cause notices on fraudulent and detrimental acts to the interest of the Government had been served on several persons, and that the matter is being proceeded with.

I am forwarding copies of the under-noted relevant documents to the Hon. Attorney General for easy reference, to facilitate this belated matter to be expeditiously dealt with.

In the context of the representations made to the IGP / DIG-CID and the actions taken by the Police Commission and the Chairman, Committee to Combat Fraud, Bribery & Corruption, I am copying this Letter to them, so that they may be kept apprised of the foregoing.

Yours truly,



Nihal Sri Ameresekere

cc: Mr. C.R. de Silva P.C., Hon. Attorney General - *Encl:*   
Plaint in 3155/Spl  
DC Order  
SC Judgment  
SPC Show Cause Notices.  
K.N. Choksy's Letters dated 28.2.1990 / 8.8.1988  
Letters to IGP / CID dated 16.3.2007 / 14.12.2006 /  
28.9.2006 (+ attachments)

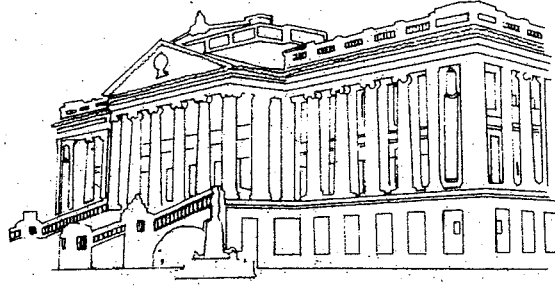
Mr. Victor Perera, IGP

Mr. D.W. Prathapasinghe, DIG-CID

Mr. Neville Piyadigama, Chairman, Police Commission

Ven. Elle Gunawansa, Member, Police Commission / Chairman, Committee to Combat Fraud,  
Bribery & Corruption

Mr. Gotabaya Rajapakse, Secretary, Ministry of Defence, Public Security, Law & Order



මගේ අංකය  
எனது இல.  
My No.

SP/4/12

ඔබේ අංකය  
உமது இல.  
Your No.

ජනාධිපති කාර්යාලය  
சனாதிபதி அலுவலகம்  
PRESIDENTIAL SECRETARIAT

කොළඹ 1.  
கொழும்பு 1.  
Colombo 1.

March 15, 2007

Hon. Attorney General  
Attorney General's Department

Mr. Nihal Sri Ameresekere has been repeatedly writing to me in regard to what he considers to be a major fraud in the construction of the Colombo Hilton. He also contends that the Supreme Court upheld that there was a major fraud in the construction and had further made an observation that the government should not be indifferent.

Mr. Ameresekere further laments that his numerous complaints to the CID has gone unheeded. I wish to seek your advice as to what action the government of Sri Lanka should take on this matter, as Mr. Ameresekere emphasizes that a major fraud has been perpetrated on the government of Sri Lanka.

Lalith Weeratunga  
Secretary to the President

Copy: Mr. Nihal Sri Ameresekere  
Business & Management Consultant  
167/4, Sri Vipulasena Mawatha,  
Colombo.

**BY COURIER:**

15<sup>th</sup> December 2006

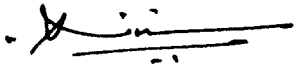
Mr. Lalith Weeratunga  
Secretary to His Excellency the President  
Presidential Secretariat  
Colombo 1.

Dear Lalith,

Further to the correspondence submitted on this matter, I forward herewith for your kind attention and warranted action, copy of my Letter to the IGP dated 14.12.2006.

Indeed is this not a 'classic case' of socio-political considerations thwarting and inhibiting due process of investigation, and shielding social-politically influential persons, from being arraigned, enforcing the rule of law.

Yours truly,



Nihal Sri Amereskere

**BY COURIER**

14<sup>th</sup> December 2006

Mr. Victor Perera,  
Inspector General of Police,  
Police Headquarters,  
Colombo 1.

Dear Sir,

**Criminal Prosecution against Mr. K.N. Choksy P.C., M.P.  
& Mr. R. Paskaralingam & Others**

I thank you for the prompt action taken on my Letter of 13.10.2006, in that, I received a copy of the annexed Letter dated 19.10.2006 addressed by the CID to the Director, National Archives Department, to obtain copies of relevant Documents for the investigation.

The background, *vis-à-vis*, this major fraud to deviously siphon out by fraudulent means, a massive amount of foreign exchange from the Government, under Government Guarantees, is as follows:

1. In September 1990, I instituted a public interest action and the Supreme Court in December 1992 upheld it as a serious *prima-facie* case of fraud on the Government, observing that in the given circumstances, the Government could not be indifferent; and further upheld the interim injunctions, which had been issued by the District Court in October 1991 'to prevent the siphoning of large scale of a foreign exchange from the country'.
2. Mr. K.N. Choksy P.C., M.P., as a Director of the Hilton Hotel owning Company, majority owned and controlled by the Government, notwithstanding my objections as a professional Director, and in the known absence of Bills of Quantities and Final Measurements, endorsed in writing that the said alleged claims be paid in full by the Government, which led me to institute the above action.
3. As a result of my action, the Japanese contractors of the Hilton Hotel in June 1995 wrote-off Jap. Yen 17,586 Mn. (then equivalent to US \$ 207 Mn., SL Rs. 10,200 Mn. i.e. equivalent today to Rs. 37,600 Mn. @ 12% p.a. interest) on their alleged claims made against the Government on the Government Guarantees. The Japanese contractors having been so penalised and therefore pardoned, is it not just and equitable that penal action as warranted be taken against those others, as was the endeavour by the Special Presidential Commission.
4. Mr. K.N. Choksy P.C., M.P., among others, was a Defendant in my action and was unable to file Objections and Answer. However, he desperately made a futile attempt to have my action dismissed; also bringing to bear pressures on me, misusing and abusing his political office, whereas I acted in the interest of the country.
5. In addition to the matter of the above fraud, I draw your kind attention to the provisions of the Offences Against Public Property Act No. 12 of 1992, including the offence to 'attempt to commit an offence punishable under that Act' – *vide Section 10 of the Act*. I had drawn specific attention of the CID to this other aspect. To establish this, only a very few available documents would be necessary, and not the entirety of the documentation pertaining to the above fraud.
6. In March 1995, a Special Presidential Commission was warranted comprising Supreme Court Judge Justice Priyantha Perera (*present Chairman, Public Service Commission*) and 2 Judges of the Court of Appeal, Justices Hector Yapa and late Ninian Jayasuriya. The Commission in its investigations was assisted by the CID and the Solicitor General Mr. Douglas Premaratne P.C.. The then Minister of Justice & Constitutional Affairs G.L. Peiris assured Parliament that it was intention of the Government that fraud and wrong-doing will be dealt with severely under the law.



7. The Commission after recording the evidence of 24 witnesses, including obtaining a Report from a panel of 3 Chartered Architects, issued Show Causes Notices framed by the Solicitor General on Mr. K.N. Choksy P.C. M.P., R. Paskaralingam (*former Secretary Ministry of Finance & Treasury / Chairman UDA*) former Chairman & Managing Director of the Company, Mr. C.L. Perera and one other Director Mr. F.G.N. Mendis (*Chairman, Delmege Forsyth & Co. Ltd.*), *inter-alia*, on grounds of fraud on the Government, causing loss and damage.
8. Subsequently, it was discovered before the Commission (*a fact not discovered at the time of the Supreme Court Judgment and the issuance of the above Show Cause Notices*), that the *floor elevations* depicted on the floor sheets of the substituted architectural plans (*original plans were missing*) of the Hotel Building, described as "amended plans" and approved by the UDA on 29.4.1986, are not the same *floor elevations* given in respect of the corresponding floors on the cross-sectional sheets forming a part and parcel of the very same UDA approved plans.

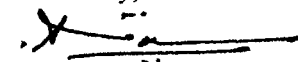
The 3<sup>rd</sup> and 4<sup>th</sup> floors were shown to be at the same *elevation* of 24.5 meters, whilst the 19<sup>th</sup> floor and the Roof of the 19<sup>th</sup> floor were shown to be at *elevations* of 72.7 meters and 72.5 meters, respectively. The Commission observed this to be an inherent, intrinsic impossibility, raising the question, as to how the UDA could have ever approved such a plan. Furthermore, the sheet numbers given on the "amended plans" reveals the absence of the 'basements', in that, the relevant sheets are missing.

In February 2005 the UDA having examined the substituted architectural plans described as "amended plans", conceded that the architectural plans are irregular, and therefore undertook to prepare a 'measured drawing' of the Hotel Building actually constructed, and forwarded the same in September 2005.

9. With one of the Commissioners having fallen critically ill, the Inquiry was not concluded and the Warrant of the Commission having thereafter expired, all the Documents of the Commission were transmitted by the Secretary to the President to the Department of National Archives.
10. Subsequently, the Hon. Attorney General having advised to investigate, the Director CID, Mr. Sisira Mendis required my Statement to be recorded. Accordingly, my Statement / Complaint was recorded in March 2004 by a team of CID Officers led by Inspector of Police Mr. P. Visvanathan. The CID Officers upon the evidence presented admitted that this was patently a very major fraud.
11. Consequently, I assisted the CID to trace the relevant documents of the Commission to the Department of National Archives, and the Secretary to the President, in terms of Section 23 of the National Archives Law, required the Documents to be released for investigation by CID. In such circumstances, I cannot understand the CID endeavouring to obtain 'photocopies' of a very large volume of Documents, including Architectural Plans, as evidenced by the annexed Letter.
12. In fact, authenticated copies of the relevant Documents, upon which the District Court issued interim injunctions and Supreme Court delivered Judgment, are available in the Commercial High Court.

Given the foregoing facts (*particularly the Supreme Court Judgment and the Special Presidential Commission's Show Cause Notices after investigations*), ought not, as normally done, a "B" Report be filed in a Magistrates' Court and Orders obtained to retrieve Documents and record statements of the concerned persons, whose statements, in fact, had been recorded by the CID, itself, in assisting the Commission under the advice of the Solicitor General ?

Yours truly,



Nihal Sri Ameresekere

**BY COURIER**

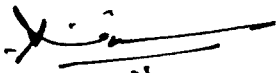
28<sup>th</sup> September 2006

Mr. Tilak Iddamalgoda, *former Deputy Inspector General of Police*  
Director General  
Presidential Investigation Unit  
No. 11, Jawatte Road  
Colombo 5.

Dear Mr. Iddamalgoda,

Further to my Letter dated 26.9.2006, I forward for your kind attention and necessary action, copy of my Letter of even date, together with the Annexures thereto, forwarded to the CID, with copies to persons named therein

Yours truly,



Nihal Sri Ameresekere

**BY COURIER**

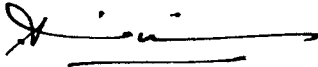
26<sup>th</sup> September 2006

Mr. Tilak Iddamalgoda, *former Deputy Inspector General of Police*  
Director General  
Presidential Investigation Unit  
No. 11, Jawatte Road  
Colombo 5.

Dear Mr. Iddamalgoda,

I enclose for your kind information and necessary action, a copy of my Letter, together with the Annexures thereto, of even date addressed to His Excellency the President, and state that warranted and effective action having hitherto not been taken on such a grave and serious matter of national economic proportion would only undermine the Government policies enunciated to combat fraud, bribery and corruption.

Yours truly,



Nihal Sri Ameresekere

cc: ✓ Mr. Lalith Weeratunga, Secretary to His Excellency the President  
✓ Ven. Elle Gunawansa, Chairman, Committee to Combat Fraud, Bribery & Corruption

**BY COURIER**

26<sup>th</sup> September 2006

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

Your Excellency,

I enclose copy of my Letter dated 13.9.2006, together with the Annexures thereto, forwarded to Ven. Elle Gunawansa, in his capacity as a Member of the National Police Commission, with copies to the Chairman, National Police Commission, Inspector General of Police and Secretary, Mr. Lalith Weerunga. The facts contained in my Letter and Annexures thereto *are self-explanatory*.

This grave and serious act of fraud on the Government dealt with in my Letter was upheld by the Supreme Court, and subsequently probed by a Special Presidential Commission (comprising a Supreme Court Judge & 2 Appeal Court Judges), assisted by the Attorney General and the CID, which issued Charge Sheets on certain persons on grounds of fraud and corruption against the Government. Ven. Elle Gunawansa is also the Chairman of a Committee to highlight and cause action to be taken against fraud, bribery and corruption, to which Committee, Secretary, Mr. Lalith Weerunga was nominated. Among other incidents, this was considered by this Committee, and was presented to Mr. Lalith Weerunga, for warranted action to be taken. I am aware that he has endeavoured to cause action to be taken.

In my Letter dated 29.5.2006 to the IGP, whilst setting out the background, I, *inter-alia*, stated as follows:

**"Notwithstanding the gravity and the national economic proportions of this economic crime, I regret that the CID has been 'tardy' in this investigation, particularly when compared with the haste and speed at which the following subsequent matters have been investigated by the CID, as per advice / directions of the Hon. Attorney General, with proceedings commenced in the Magistrates' Courts -**

- Rs. 1 Mn. alleged Offence by Mr. Abdul Cader M.P. in terms of Offences Against Public Property Act No. 12 of 1982
- Investigations into Accounts of Sri Lanka Cricket for alleged malpractices including re- a payment of UK Pds. 1500/- as an alleged Offence under the Immigrants & Emigrants Act
- Alleged misappropriation of Rs 82 Mn. in the 'Helping Hambantota' issue, found fault with by the Supreme Court."

**"I drew attention to the Offence to attempt to commit an Offence in terms of Section 10 of the Offences Against Public Property Act No. 10 of 1982. In this instance, the attempt to fraudulently obtain a large scale of foreign exchange from the Government under Government Guarantees, including by cheating, forgery, false certification of records and accounts, etc."**

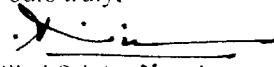
The write-off in June 1995 on Government Guarantees due to my actions was then equivalent to **US \$ 207 Mn.**

I cite the following extract from Your Excellency's *Address to the Nation on assumption of Office-*

**"In this respect my policy will be to consolidate the rule of law to the maximum. The law of the country should be just. Everybody including the President of the country should obey and respect that just law. I would like to state here that I will not allow anyone to subvert law and order using political power and privileges. I believe all state institutions should strictly follow policies of good governance. My Prime Minister, members of my Cabinet, the Armed Forces and the Police, the entire public service from the highest officer to the lowest rank should follow these good governance norms. Public service should be a responsible and ethical service where there is no room for fraud, bribery and corruption."**

Questionable delay and inaction on the part of the law enforcement authorities, on a matter which had been upheld by the Supreme Court to be a serious prima-facie case of fraud on the Government, only enables wrong-doers to continue to freely subvert the law, rendering nugatory the above Government policy. Hence regardless of the personalities concerned, warranted action ought be taken, eventhough belatedly, on this serious matter of gravity and national economic proportion, involving socio-politically influential persons.

Yours truly,

  
Nihal Sri Amēresekere

Mr. Lalith Weeratunga,  
Secretary to His Excellency the President,

**NOTE**

I enclose copy of my Letter of even date to Mr. Chandra Fernando, Inspector General of Police, for your kind attention and warranted action, as discussed some time back.

I trust that action would be taken in conformity with the government policy to enforce the rule of law, irrespective of the personalities concerned.

I also enclose an Overall Note re- this matter I had prepared for some other purpose, so that you may be apprised of the relevant facts.

Kind regards,



Nihal Sri Amereskere

29.05.2006

BY LOCAL COURIER

29<sup>th</sup> May 2006

Mr. Chandra Fernando,  
Inspector General of Police,  
Police Headquarters  
Colombo 1

Dear Sir,

**Criminal Prosecution against K.N. Choksy P.C., M.P., R. Paskaralingam & Others  
for the fraud perpetrated on the Government / cover-up thereof**

1. The above investigations commenced as far back as December 2003, upon my representations to the Hon. Attorney General and his advice to your predecessor, of which I was advised by the Hon. Attorney General by Letter dated 23.12.2003.
2. A team of Officers of the CID headed by Mr. P. Visvanathan, IP called over at my Office and recorded my Statement on 12.3.2004. I handed over copies of relevant Documents and further Documents as required were forwarded by my Letter dated 15.3.2004, with copies to Mr. Sisira Mendis, Director CID, who required me to make the Statement.
3. The CID without recording statements from the other persons concerned, had referred the matter again to the Hon. Attorney General for advice, and I was made to understand that the Hon. Attorney General had advised that the original documents which had been given to the Special Presidential Commission be obtained and the investigations proceeded with. I raised the query, without answer, as to whether in all instances CID refers the recorded complaints to the Hon. Attorney General, before recording the statements from those involved / investigating ?
4. I contacted Mr. S.K.P. Bambarenda, who was the Secretary to the above Commission, and assisted Mr. A. R. Waidyalankara S.P., CID to trace the documents with the Department of the National Archives. The Director Archives had required a request from the Secretary to the President for the release of the Documents, inasmuch as the Secretary to the President had deposited the Documents as an interim measure with the Department of Archives, since the Commission had not completed the investigations.
5. The Special Presidential Commission assisted by the CID and the Hon. Attorney General had recorded the evidence of 24 Witnesses and issued Charge Sheets on grounds of fraud on the Government against certain persons. I have already brought to your attention that irrefutable evidence of criminality was unfolded before the Commission, when the Commission discovered that the 'floor elevations' depicted on the Floor Sheets of the 'Amended' Architectural Plans had been tampered with, and that the 'floor elevations' did not correspond to the corresponding 'floor elevations' given in the Cross-sectional Sheets of the very same Plans. Floor Sheets had been removed, including those of the Basement, and new Cross-Sectional Sheets introduced. The 3<sup>rd</sup> and 4<sup>th</sup> Floors had been given to be at the same 'elevation', whilst the Roof Slab had been given to be at an 'elevation' below that of the 19<sup>th</sup> Floor. The Commission pointed out that the above was an inherent, intrinsic, impossibility, and questioned as to how the UDA could have ever approved such Plans ? The UDA had recently admitted that the Plans were irregular / fraudulent and had prepared a 'Measured Drawing' of the existing Hotel Building, of which I informed you.
6. The Secretary to the President had promptly called for the above documents from the Department of Archives, as per the request made by the CID.

7. In my several previous correspondence, in addition to the fraud perpetrated on the Government, particularly by my Letter dated 28.4.2005 to you, I drew attention to the Offence to attempt to commit an Offence in terms of Section 10 of the Offences Against Public Property Act No. 10 of 1982. In this instance, the attempt to fraudulently obtain a large scale of foreign exchange from the Government under Government Guarantees, including by cheating, forgery, false certification of records and accounts, etc.
8. In a civil action instituted by me, the Supreme Court delivered judgement upholding the interim injunctions preventing any payments to the Japanese, observing that they had been issued 'to prevent the devious siphoning of a large scale of foreign exchange from the country', and that I had a real prospect of success in proving the Case even in the light of the pleadings, objections and the submissions of the Defendants, observing it to be a strong *prima-facie* case of fraud, and that the Government being the major investor and the guarantor could not be indifferent.
9. Consequently, the Japanese agreed to write-off 10 years' interests of Jap Yen 13,476 Mn. [i.e. Rs. 12,400 Mn. as at now] and 30 % of the Capital amounting to Jap Yen 4,110 Mn. [i.e. Rs. 3,781 Mn. as at now]. A total write-off of Jap Yen 17,586 Mn. [i.e. Rs. 16,181 Mn. as at now]. If not for my civil action, would not this massive some of money have be defrauded from the Government? I attach copies of Letters dated 8.8.1988 and 28.2.1990 of Mr. K.N. Choksy, P.C. M.P. preventing the correct examination and endeavouring to make the full payment to the Japanese.
10. Notwithstanding the gravity and the national economic proportions of this economic crime, I regret that the CID has been 'tardy' in this investigation, particularly when compared with the haste and speed at which the following subsequent matters have been investigated by the CID, as per advice / directions of the Hon. Attorney General, with proceedings commenced in the Magistrates' Courts –
  - Rs. 1 Mn. alleged Offence by Mr. Abdul Cader M.P. in terms of Offences Against Public Property Act No. 12 of 1982
  - Investigations into Accounts of Sri Lanka Cricket for alleged malpractices including re- a payment of UK Pds. 1500/- as an alleged Offence under the Immigrants & Emigrants Act
  - Alleged misappropriation of Rs 82 Mn. in the 'Helping Hambantota' issue, found fault with by the Supreme Court.

Given the above facts and circumstances, I regret that I am compelled to write this Letter, and trust that you will now take action to expeditiously and speedily conclude the investigations and initiate prosecutions, inasmuch as the Commission records would reveal the exhaustive investigations carried out by the CID itself, with the advice of the Hon. Attorney General, culminating in Charge Sheets being issued against certain persons on grounds of fraud on the Government; the Supreme Court also having previously upheld this to be a strong *prima-facie* case of fraud, and observing that the Government could not be indifferent.

Recently on an economic crime disclosed 5 years back in the Enron Case, the investigations and prosecution were completed, with the Enron's Chief Executives, Kenneth Lay and Jeffrey Skilling, found guilty of fraud and conspiracy. I trust that similarly, regardless of socio-political status or standing of the personalities involved, you would enforce the rule of law in this matter, inasmuch as your department has acted with haste and speed in the 3 matters of far less gravity cited above.

Yours faithfully,



Nihal Sri Amersekere

c.c. Mr. Lalith Weeratunga, Secretary to His Excellency the President

**BY HAND**

Mr. Lalith Weeratunga  
Secretary to His Excellency the President

**NOTE**

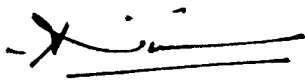
**Criminal Prosecution against Mr. K.N. Choksy P.C., M.P.  
& Mr. R. Paskaralingam & Others**

I understand that the Director of Archives by Letter dated on or about 30.1.2006 has intimated that she is unable to handover the documents to a third party, and that if you wish, you could recall the documents to your office as the agency which transferred them, for whatever action you may wish to take.

This is in conformity with the provisions of the National Archives Law, particularly Section 23; and this is an instance where the documents had been transmitted before the completion of the inquiry, *vis-à-vis*, Section 11, and hence, as intimated by the CID are necessary to continue and complete the inquiries, as had been already directed by the Hon. Attorney General.

In the circumstances, you could recall the documents to enable the CID to proceed with the inquiries, discussing the steps to be taken with the IGP.

Kind regards,



Nihal Sri Amereskere

3.3.2006

PS: I enclose for information copies of CID Letter dated 27.12.2005 and my Letters dated 30.12.2005 and 6.1.2006.



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ද. පෙ. இல. } 534  
P.O. Box No. }

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தந்தி } "செக்ரீம்" கொழும்பு }  
Telegram } "SECRIM" COLOMBO }

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பாக்ஸ் இல. } 422176  
Fax No. }



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இலங்கைப் பொலிசு  
SRI LANKA POLICE

CLASSIFICATION

අපරාධ පරීක්ෂණ දෙපාර්තමේන්තුව  
குற்றவியல் புலனாய்வுத் திணைக்களம்  
CRIMINAL INVESTIGATION DEPARTMENT

සිවිල් නිල, නව මහ ලේකම් තොරතුරු මධ්‍යස්ථානය

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4th Floor, New Secretariat Building

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எனது இல. } CC/NI 2886/05  
My No. }

ඔබේ අංකය }  
உங்கள் இல. }  
Your No. }

දිනය } 27.12.2005  
திகதி }  
Date }

Mr. Nihal Sri Ameresekere  
167/4, Sri Vipulasena Mawatha  
P.O Box 1796  
Colombo 10.

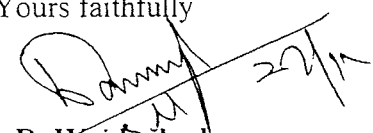
Dear Sir,

**CRIMINAL PROSECUTION AGAINST MR. K.N. CHOKSY PC,  
M.P. & MR. PASKARALINGAM & OTHERS.**

I make reference to your letter dated 21.12.2005 on the above noted investigation.

2. The contents of your letter is noted and your assistance rendered so far is highly appreciated.
3. However the investigation has come to a standstill due to the non availability of the documents relating to the alleged transactions. As instructed by you in your letter dated 08.11.2005 Mr. S.K.P. Bambarenda was contacted and he confirmed that the relevant documents were handed over to Department of National Archives in early 2002, which was earlier denied by Director National Archives by her letter dated 05.08.2005.
4. Mr. S.K.P. Bambarenda's Stance was conveyed to the Director, Archives once again personally and the Director had agreed to conduct a further search in this regard. A reply is being awaited.

Yours faithfully

  
A.R. Waidyalankara  
Supdt. Of Police

Criminal Investigation Department

**BY COURIER**

30<sup>th</sup> December 2005

Mr. A. Ravindra Waidyalankara, L.L.B  
Superintendent of Police  
Criminal Investigation Department  
4<sup>th</sup> Floor, New Secretariat Building  
Colombo 1.

Your Ref. cc/n I 2886/05

Dear Sir,

**Criminal Prosecution against Mr. K.N. Choksy P.C., M.P.  
& Mr. R. Paskaralingam & Others**

I thank you for your prompt reply dated 27.12.2005 to my Letter of 21.12.2005.

I note that Mr. S.K.P. Bambarenda, who functioned as the Secretary, Special Presidential Commission has confirmed that the relevant documents, *vis-à-vis*, the above Inquiry had been handed over to the Department of National Archives in early 2002, which you are now trying to retrieve. Should you require, Mr. S.K.P. Bambarenda and I could accompany your Officers to assist to locate and identify the documents, in respect of which I am sure an inventory would have been made.

The above documents are those which were produced at the Special Presidential Commission, which after investigations carried out by Officers of your Department and Officers of the Attorney General's Department and the recording of evidence of 24 persons and having obtained an Investigative Report from a panel of 3 Chartered Architects, issued Charge Sheets, setting out several Charges on grounds of fraud on this Government majority owned Company and the Government, against 4 persons, including the above 2 persons. I trust that a comprehensive investigation had already been completed and the fraud disclosed for the Attorney General's Department to have framed the said Charges. The Attorney General's Department would also have copies of the relevant documents, statements recorded and proceedings before the Commission.

In addition, some of the documents would be available with the following:

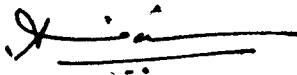
- i) Corporate Advisory Services (Pvt) Ltd., 47, Alexandra Place, Colombo 7, the Company Secretaries, who would have the Board Minutes and Correspondence / Memos / Papers tabled at the Board – Contact Person - Ms. Shayamini Wijetunga – Tel No. 2695782.
- ii) Hotel Developers Office at the Hilton Hotel premises – Contact Person – General Manager Mr. S. R. Sudharshan - Tel No. 2446545 / 2544644 - who was aware and privy to some of the facts, and who had acted collusively in this matter.
- iii) The Ministry of Finance – particularly the Department of Public Enterprises – Contact person - Director General, Mr. V. Kanagasapabathy - Tel No. 2484617. Some of the documents had been kept in the Office of the Secretary to the Ministry / Department of Economic Affairs.

I enclose for your kind information, copy of Letter dated 6.9.1999 addressed to the then DIG, CID by the then Lawyers of the Company on the instructions of the Company, whose then Chairman was Mr. D.Y. Liyanage, who was also the then Deputy Secretary to the Treasury, requesting an investigation into the aforesaid several Charges and for appropriate action to be taken thereon.

In view of the inordinate delay on a grave and serious matter of national economic implications and proportions, I trust that you would give priority to expedite and conclude this incomplete investigation / prosecution, irrespective of the persons concerned, against whom the law ought be enforced more strictly as opposed to ordinary citizens.

I also draw attention to the penultimate paragraph of my Letter dated 28.4.2005, *vis-à-vis*, Section 10 the Offence Against Public Property Act No. 12 of 1992, concerning persons, who attempt to commit Offences to defraud public property, in this instance, attempting to defraud government funds under State Guarantees, regardless of the perpetration of the fraud itself, with irrefutable evidence disclosed, *inter-alia*, by the 'Substituted Plan' approved as an 'Amended Plan' by the UDA, who has now in February 2005 admitted the same to be 'irregular', and had drawn a fresh set out Measured Drawings in September 2005 as per the actual construction.

Yours faithfully,



Nihal Sri Ameresekere

cc: Mr. Lionel Gunatilleke, Deputy Inspector of Police, CID  
Mr. Chandra Fernando, Inspector General of Police

**BY COURIER**

6<sup>th</sup> January 2006

Mr. A. Ravindra Waidyalankara, L.L.B  
Superintendent of Police  
Criminal Investigation Department  
4<sup>th</sup> Floor, New Secretariat Building  
Colombo 1.

Your Ref. cc/n I 2886/05

Dear Sir,

**Criminal Prosecution against Mr. K.N. Choksy P.C., M.P.  
& Mr. R. Paskaralingam & Others**

Further to my Letters dated 21.12.2005 and 30.12.2005 and your Letter dated 27.12.2005, and the telephone call confirming that the Director of Archives has now confirmed that the Documents pertaining to the Special Presidential Commission of Inquiry No. 1/95 *vis-a-vis* Hotel Developers (Lanka) Ltd., have been located, and the clarifications sought, I set out briefly the following:

1. The said Inquiry was the 1<sup>st</sup> Inquiry commenced by the Commission, which comprised of a Supreme Court Judge and 2 Judges of the Court of Appeal. I attach relevant pages from the 4<sup>th</sup> Interim Report of the Commission re-this Inquiry.
2. You would note that 24 Witnesses had testified before the Commission, including myself
3. In addition, a panel of 3 Chartered Architects commissioned gave an Investigative Report after parties, who were noticed under Section 16 of the Special Presidential Commissions of Inquiry Law, having had the opportunity to make representations
4. I attach a Note on the Evidence placed by me before the Commission, with reference to the Documents produced. [Copies of which I possess]. Counsel appearing before the Commission on behalf of the Japanese Architects and one of the parties against whom a Show Cause Notice was served did not cross-examine me on the evidence placed before the Commission, even though they were exhorted to do so by the Commission repeatedly.
5. The Investigations were conducted by Officers of the CID headed by Mr. Godfrey Gunsekera, SSP assisted by Officials of the Attorney General's Department
6. The prosecution was led by the Solicitor General, Douglas Premaratne, P.C.
7. After recording of Statements and Evidence, Show Cause Notices under Section 9 of the Special Presidential Commissions of Inquiry Law, on grounds of fraud against the Company and the Government, formulated by the Solicitor General and approved by the Commission were served on 4 persons, as confirmed in the above Interim Report of the Commission. Copies of the Show Cause Notices are attached.

Offences under Section 10 of the Offences Against Public Property Act No. 12 of 1982, I drew attention to in the penultimate paragraph of my Letter dated 28.4.2005 addressed to the IGP is another aspect requiring your attention – quote:

“ I also draw your attention to Section 10 of the Offences Against Public Property Act No. 12 of 1982 *vis-à-vis* persons who attempt to commit Offences to defraud public property, in this instance fraudulently attempting to obtain Government funds under State Guarantees ; in addition to the perpetration of the very fraud itself proven by documentations with irrefutable evidence ”

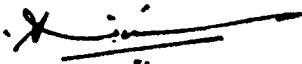
8. I recollect that the above persons responded in writing to the Show Cause Notices. I attach copies of Postscripts made by the Commission and published in respect of one such response.
9. It was after the Show Cause Notices were served, that during me being cross-examined, that irrefutable evidence of criminality was discovered before the Commission by one of the Commissioners, where it was disclosed that the elevations depicted on the floor sheets of the Plans had been tampered with and that such elevations were different to the corresponding elevations shown in respect of the floors in the cross-sectional sheets of the very same Plans, with the 3<sup>rd</sup> and 4<sup>th</sup> floor having the same elevation, and the roof slab having an elevation below the 19<sup>th</sup> floor !

The Commission observed the above as an inherent, intrinsic, impossibility, raising the question as to how the UDA ever approved such Plans in the first instance ? I have shown you this evidence with reference to a copy of the Plans. I enclose copies of Schedules submitted to the Commission in respect of this matter of ‘elevations’.

10. Recently in February 2005 the UDA in the presence of the Minister of Urban Development Authority accepted the above position and prepared Measured Drawings in conformity with the actually constructed building. I attach copies of UDA Letters dated 18.2.2005 and 7.9.2005

As regards the request by the Director of Archives, for a Letter from the Secretary to the President, who had deposited the Special Presidential Commission of Inquiry Documents, for them to be released for the purpose of the CID proceeding with this matter, I trust that such a Letter could be obtained to enforce the rule of law, upholding the policy pronounced by His Excellency the President quoted in my Letter dated 21. 12. 2005.

Yours faithfully,



Nihal Sri Ameresekere

cc: Mr. Lionel Gunatilleke, Deputy Inspector General of Police, CID } *Attachments not enclosed*  
Mr. Chandra Fernando, Inspector General of Police }

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අ. පෙ. இல. } 517  
P. O. Box No. }

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தொலைபேசி } 421111  
Telephone }



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பொலிஸ் தலைமை அலுவலகம், கொழும்பு 1, இலங்கை

POLICE HEADQUARTERS, COLOMBO 1, SRI LANKA

25<sup>th</sup> May 2004

**Her Excellency Chandrika Bandaranaike Kumaratunga**  
**President of the Democratic Socialist Republic of Sri Lanka**

**Your Excellency**

1. **CRIMINAL PROSECUTION AGAINST MR. K.M. CHOKSY, PC, MP AND R. PASKARALINGAM FOR FRAUD PERPETRATED ON THE GOVERNMENT COVER-UP THEREOF.**
2. **TO CHARGE P.B.J. DOUGLAS PEIRIS UNDER THE PROVISIONS OF THE IMMIGRANTS AND EMIGRANTS ACT IN THE APPROPRIATE MAGISTRATE COURTS.**

This refers to Your Excellency's letter number Cosec/M/PH/2004 dated 21.05.2004 on the above noted subject.

1. In connection with the criminal prosecution against **M/s K.N. Choksy, PC** and **M.R. Paskaralingam**, on the instructions of the Hon'ble Attorney General the statement of Mr. Nihal C. Amaraskera has been recorded on 12.03.2004 and copies sent to the Hon'ble AG. Further advice of Hon'ble AG is awaited.
2. Inquires conducted by the CID, had revealed that **Mr. Douglas Peiris** had used Passport bearing number L1171129 issued in the name of Thal pawila Vidana Kankanamage Wimalasena to leave Sri Lanka in 1996. In respect of this passport, on the advice of Hon'ble AG, the CID has filed a complaint in MC For Case No. 78058/2003 under the provisions of the Immigration & Emigration Act and the case is fixed for trial for 26.05.2004.

Hon'ble AG has also indicted Mr. Douglas Peiris in HC Colombo Case No. 1452/2003 under the provisions of the Penal Code for the offences of tendering forged documents to obtain a fraudulent passport. This case is fixed for trial for 15.07.2004.

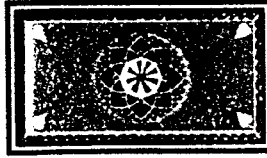
The copy of memo of Hon'ble AG with his advice in connection with the above is attached herewith.

For your information, please

Yours obediently

(T.I. de Silva)  
Inspector General of Police

**T. I. de SILVA**  
Inspector General of Police



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இலங்கை சனாதிபதி

President of Sri Lanka

21 May 2004

Ref. Cosec/M/PH/2004

Mr. T. I. de Silva  
I G P  
Police Headquarters  
Colombo 01

- 1. Criminal Prosecution against Mr. K. N. Choksy PC. MP. and R. Paskaralingam for Fraud Perpetrated on the Government / Cover-up Thereof**
- 2. To Charge P. B. J. Douglas Peiris under the Provisions of the Immigrants and Emigrants Act in the Appropriate Magistrate Courts.**

I refer to you letter No. Staff.DIG/IG/03/51/04 dated 05<sup>th</sup> March 2004 on the above issues. I have still to receive the relevant reports.

Please forward the reports to me before 12.00 noon on Tuesday, 25<sup>th</sup> May 2004.

  
Chandrika Bandaranaike Kumaratunga



**Police Headquarters  
Colombo 1**

9<sup>th</sup> March 2004

**Mr. Lionel Gunathilake, DIG CID  
Mr. Sisira Mendis, SSP / Director / CID**

1. **CRIMINAL PROSECUTION AGAINST MR. K.M. CHOKSY, PC, MP AND R. PASKARALINGAM FOR FRAUD PERPETRATED ON THE GOVERNMENT /COVER-UP THEREOF.**
2. **TO CHARGE P.B.J. DOUGLAS PEIRIS UNDER THE PROVISIONS OF THE IMMIGRANTS AND EMIGRANTS ACT IN THE APPROPRIATE MAGISTRATE COURTS.**

Further to my discussion I had with you today on the above two subjects, the clear directives given by H.E. the President are attached herewith for your perusal.

I hereby direct you to proceed with the two investigations with immediate effect.

The relevant documents in connection with the investigations on the first subject have to be obtained from the Hon'ble Attorney General as well as the Archives Department. This inquiry has to be commenced from its inception, as the findings of the Commission are not valid.

With regard to the second subject, it is in relation with the first forged passport bearing number L1171129 and not the MC Case Number B/2577/00, which had been withdrawn by the Hon'ble Attorney-General. It is learnt that the inquiries have been completed and the files are with the Hon'ble Attorney General to obtain his advice. Please follow this up.

Please report the progress on 15.03.2004.



**(T.I. de Silva)  
Inspector General of Police**

**T. I. de Silva  
Inspector General of Police**

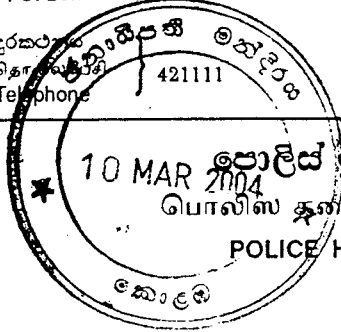


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P. O. Box No. 517

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தொலைபேசி  
Telephone 421111



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My No. } Staff-Dir/IG/03/51/04  
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Your No. }



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பொலீஸ் தலைமை அலுவலகம், கொழும்பு 1, இலங்கை  
POLICE HEADQUARTERS, COLOMBO 1, SRI LANKA

9<sup>th</sup> March 2004

**Her Excellency Chandrika Bandaranaike Kumaratunga**  
**President of the Democratic Socialist Republic of Sri Lanka**

**Your Excellency**

1. **CRIMINAL PROSECUTION AGAINST MR. K.M. CHOKSY, PC, MP AND R. PASKARALINGAM FOR FRAUD PERPETRATED ON THE GOVERNMENT /COVER-UP THEREOF.**
2. **TO CHARGE P.B.J. DOUGLAS PEIRIS UNDER THE PROVISIONS OF THE IMMIGRANTS AND EMIGRANTS ACT IN THE APPROPRIATE MAGISTRATE COURTS.**

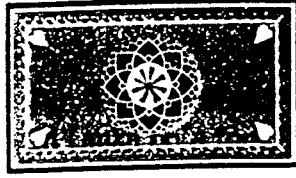
I acknowledge receipt of Your Excellency's letter dated 8<sup>th</sup> March 2004 on the above noted subjects.

DIG / CID and Director / CID has been directed to proceed with the two investigations with immediate effect and report.

A copy of the letter sent to DIG / CID and Director / CID is attached herewith for your kind perusal, please.

**Yours obediently**

**(T.I. de Silva)**  
**T. I. de Silva**  
**Inspector General of Police Inspector General of Police**



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இலங்கை சனாதிபதி  
President of Sri Lanka

8 March 2004

Mr. T. I. de Silva  
I G P  
Police Headquarters  
Colombo 01.

1. **Criminal Prosecution Against Mr. K. N. Choksy PC. MP. and R. Paskaralingam for Fraud Perpetrated on the Government / Cover-up Thereof**
2. **To Charge P. B. J. Douglas Peiris under the Provisions of the Immigrants and Emigrants Act in the Appropriate Magistrate Courts.**

I refer to your reply dated 05<sup>th</sup> March 2004 to my directive on the above issues and bring to your notice the following facts.

1. The Hon. Attorney General by letter dated 23<sup>rd</sup> December 2003 (copy attached) had intimated that he had called for relevant particulars from you, in the context of the complaint made, clearly to take action thereon.

In reply thereto, by letter dated December 24<sup>th</sup> 2003, (copy attached) the Hon. Attorney General had been informed that the relevant records and documents are with Addl. Solicitor General, Mr. Saleem Marsoof, who had handled this inquiry.

I am also advised that the Secretary of the Special Presidential Commission had forwarded the records and documents of your Department, into this inquiry, to the Archives Department, from where you could retrieve them.

I hereby direct you to proceed with this matter, obtaining the relevant records and documents from the Addl. Solicitor General and/or the Archives Department.

Cont./



2. The offence referred to in my directive at 2 above is not the offence by P. B. J. Douglas Peiris returning to Sri Lanka on a forged passport. **In respect of this, the second forged passport** the Magistrate Courts Negombo Case No. B/2577/00, which has been instituted, had been withdrawn on the advice of the Hon. Attorney General, on the premise that P. B. J. Douglas Peiris had been brought to Sri Lanka by the CID.

My directive on 05<sup>th</sup> March, 2004 was for you to proceed to investigate and file charges in respect of the **First Forged Passport bearing No. L 1171129**, which had been used by Mr. Peiris to leave Sri Lanka and had been provided to him by certain persons, as had been disclosed in paragraph 03 of his affidavit.

Whilst, the Hon. Attorney General had admitted having advised to withdraw the case in respect of the second passport, on which Douglas Peiris had been brought back to Sri Lanka by the CID, the Hon. Attorney General at the same time had informed the Court of Appeal, that he had decided to forward charges and had already advised the CID to file charges in the appropriate Magistrate Court, under the provisions of the Immigrants and Emigrants Act against Douglas Peiris, for being in possession of the **first forged passport**, which had been used by him to leave Sri Lanka.

The above facts had been clearly disclosed in the judgment (attached to my directive of 05<sup>th</sup> March, 2004), delivered on 23<sup>rd</sup> October 2003 by the Court of Appeal in a Writ Application that had been instituted in this regard by Hon. Mangala Samaraweera, and to which application, among others, the DIG/CID, Lionel Goonetilleke and Director/CID Sisira Mendis had been made parties.

In addition, I drew attention to the offence of aiding and abetting Douglas Peiris in the commission of such offence in terms of Section 45(2) of the Immigrants and Emigrants Act, by those persons referred to by him at paragraph 3 of his Affidavit, a copy of which also was forwarded with my directive of 05<sup>th</sup> March, 2004.

I hereby direct you to proceed with the investigations in this matter strictly enforcing the rule of law. *Please take action today & report to me tomorrow - Wed. 10 March.*

  
Chandrika Bandaranaike Kumaratunga



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C. Box No. } 51

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Telephone } 421111



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My No. } 421111/146/1

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Your No. }

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POLICE HEADQUARTERS, COLOMBO 1, SRI LANKA

**CONFIDENTIAL**

5<sup>th</sup> March 2004

**Her Excellency Chandrika Bandaranaike Kumaratunga  
President of the Democratic Socialist Republic of Sri Lanka**

**Your Excellency**

I am in receipt of Your Excellency's letters dated 5<sup>th</sup> March 2004 under the following subjects:-

- 1. Criminal Prosecutions against K.M. Choksy PC, MP and R. Paskaralingam for Fraud perpetrated on the Government / cover-up thereof.**
- 2. To charge P.B.J. Douglas Feiris under the Provisions of the Immigrants & Emigrants Act in the appropriate Magistrate Court.**

In these two letters Your Excellency has requested me to inform by this evening (05.03.2004) the names of the Officers I have assigned for this investigations.

Regarding the first complaint, although the Hon'ble Attorney General has requested the IGP to send relevant particulars to him in order to inquire into this complaint, the relevant documents are available with the Attorney General's Department. According to the complainant too, it is mentioned that the relevant documents are available with the Attorney General's Department. Therefore Police have no material available to commence an investigation until the Hon'ble Attorney General directs the CID. I am in consultation with the Hon'ble Attorney General, please.

Confid/-

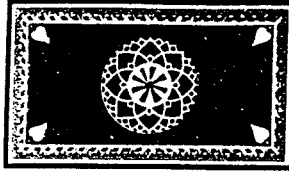
With regard to the second complaint, the first respondent (Mr. Douglas Peiris) was charged in Negombo Magistrate Courts under the Immigrant & Emigrant Act for being in possession of a forged Passport. However, the case was withdrawn by the Hon'ble Attorney General himself. Hence, no inquiries can be commenced by the Police in this case without the directives from Hon'ble Attorney General.

Forwarded for your information, please.

Yours obediently

  
(T.I. de Silva)  
Inspector General of Police

  
T. I. de Silva  
Inspector General of Police



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இலங்கை சனாதிபதி  
President of Sri Lanka

March 5, 2004

**Mr. Indra de Silva**

Inspector General of Police.

**Criminal prosecution against K.N. Choksy P.C., M.P. and R. Paskaralingam  
for fraud perpetrated on the Government / cover-up thereof**

I refer to the contents of the attached Letter dated February 18, 2004 on the above subject, forwarded to the Hon. Attorney General, with copies to you and the CID.

I also refer you to the previous Letters referred to therein, Letters dated December 18, 2003, December 22, 2003, December 24, 2003 and January 5, 2004 forwarded to the Hon. Attorney General, with copies to you and the CID.

I also draw your attention to the Hon. Attorney General's Letter dated December 23, 2003, informing that he had called for the relevant particulars from you.

I hereby direct you to forthwith investigate the aforesaid matter and take warranted action, strictly enforcing the rule of law and forward me a report thereon immediately.

  
**Chandrika Bandaranaike Kumaratunga**

p.s. Please inform me by this evening  
the names of the officers you have  
assigned for this investigation.



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இலங்கைச் சனநாயக சோசலிசக் குடியரசு  
Democratic Socialist Republic of Sri Lanka

**BY REGISTERED POST**

18<sup>th</sup> February 2004

K.C. Kamalabayson, Esqr., P.C.  
Attorney General,  
Attorney General's Department,  
Hultsdorp,  
Colombo 12.

Your Ref: AG55/2003

Dear Sir,

**Criminal prosecution against K.N. Choksy P.C., M.P. and R. Paskaralingam  
for fraud perpetrated on the Government / cover-up thereof**

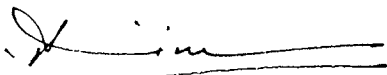
I refer to my Letters dated 18.12.2003 and 22.12.2003 and your reply dated 23.12.2003 (copy attached) on the above subject, intimating to me that you have called for the relevant particulars from the Inspector General of Police, and my subsequent Letters dated 24.12.2003 and 5.1.2004.

The Attorney General, upon investigations carried out by the CID, having caused Charge Sheets (further copies attached), on the premise of commission of fraudulent acts detrimental to the interests of government, to be served by the Special Presidential Commission on K.N. Choksy P.C., M.P. and R. Paskaralingam, would it now not be a matter of filing indictments in the High Court, inasmuch as per media reports, indictments are said to be imminent in respect of far more less grave and less material alleged offences; whereas this involved an attempt to perpetrate a grave crime and fraud of national economic proportions on the government, with an endeavour to cause the payment of monies under state guarantees, notwithstanding my objections as a professional (Supreme Court having previously upheld the same as a serious prima-facie case of fraud, with an attempt to deviously syphon out a large scale of foreign exchange from the government and the country); and furthermore, during the Inquiry before Special Presidential Commission, after the aforesaid Charge Sheets had been served, irrefutable evidence of fraud having surfaced? I draw attention particularly to the final two paragraphs of my Letter dated 18.12.2003.

It is now 2 months since my initial Letter to you on 18.12.2003 and your reply dated 23.12.2003. As such, I wish to ascertain, as to what progress has been made on the subject matter under reference? Or is it that the aforesaid persons having been knowingly recommended by the Prime Minister, Ranil Wickramasinghe to be appointed as the Minister of Finance, and Advisor to the Prime Minister, respectively, intentionally to shield them from such prosecution, and in which circumstances, you and/or the law enforcement authorities are thus and thereby inhibited from enforcing the Rule of Law as in the case of ordinary citizens of the country, notwithstanding the much professed dicta that all are equal before the law?

I urge that warranted action be taken, irrespective of the socio-political standing of the aforesaid persons, upholding the scales of justice as is prevalent in civilised societies.

Yours faithfully,



Nihal Sri Amereskere

cc: Indra de Silva Esqr., Inspector General of Police  
Lionel Gunatilleke Esqr., Deputy Inspector General of Police / CID  
Sisira Mendis Esqr., Director, CID

Her Excellency the President Chandrika Bandaranike Kumaratunga