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## Re - Recent visit to Sri Lanka

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Consultants 21 Ltd. <consultants21@gmail.com>

Thu, Nov 26, 2015 at 3:21 PM

To: Samantha Power <PowerS@state.gov>

Ms. Samantha Power

US Ambassador to the United Nations

I am addressing this in the circumstances of your recent visit to Sri Lanka, and particularly the interest in human rights, accountability and governance. I successfully prosecuted the first derivative action in law in Sri Lanka on a fraud on the State, with the Supreme Court observing - *'as a serious case of fraud, with real prospect of being successfully proven, and that interim injunctions had been issued to prevent the devious syphoning of a large scale of foreign exchange from the country'* – *Ameresekere v. Mitsui & Co. Ltd., & Others [1992] Law Reports of the Commonwealth (Comm)*.

I am a professional practising since 1974. In the last 25 years, I have developed into commercial litigation support services, and acting and litigating in the public interest on combatting fraud and corruption, and challenging in the Supreme Court Bills to be enacted, including an all pervasive amnesty castigated by the Supreme Court - *'as inimical to the rule of law and violative of the "Universal Declaration of Human Rights and International Covenant on Civil & Political Rights", and that it had defrauded public revenue, causing extensive loss to the State'*, and also an Appropriation Bill, which was castigated by the Supreme Court - *'as the Secretary to the Treasury having been operating a "Budget" of his own'*.

Nevertheless, there has been no criminal action, whatsoever, taken by the State against the socio-politically powerful miscreants, who thus masquerade with impunity. One major privatization so annulled was Sri Lanka Insurance Corporation, including Lanka Hospitals, to a consortium of high profile leading corporates, and the other, the Colombo Port Bunkering Facility to one of Sri Lanka's largest corporate entities, ironically an UN Global Compact company.

I am an Individual Member and Sri Lanka Co-ordinator of the International Association of Anti-Corruption Authorities since its inauguration in October 2006, mooted by UNODC to promote and facilitate the implementation of the UN Convention Against Corruption, which came into force in December 2005. In such context, I authored a series of 13 Books on real case studies, investigations, rule of law, *et al*, published in US during 2011 – 2013 and distributed and marketed globally. I attach a Flyer of these Books, which had been endorsed, among others, by Mr. Jayantha Dhanapala, former UN Under-Secretary-General. The initial launch of the first 5 Books was had in Washington DC at the Government Accountability Project Office, and thereafter a presentation made to the UN Correspondents' Association. The series of these Books are in Libraries, such as Certified Fraud Examiners, UN Anti-Corruption Academy, Library of Congress, UN Correspondents' Association, and Anti-Fraud & Corruption Prosecution Offices / Academies in several countries.

I am an advocate of the due enforcement of the rule of law and delivery of justice. I also read of your visit to the Northern Province and the meeting had with the Chief Minister, C.V. Wigneswaran, who retired as a Supreme Court Judge. I have dealt with his perverse conduct and actions in one of my Books and attach the relevant pages, the contents of which are self-explanatory. Madras High Court in Criminal Appeal Nos. 895, 896 and 897 of 1997 and Criminal MP Nos. 780 to 782 of 1998 had affirmed the convictions of the accused, and the Supreme Court of India in Appeal Nos. 611-612 of 2003 in Judgment dated 5.4.2005 had upheld the same – the principal accused had been Swami Premananda referred to, who had been found guilty of serial rape and murder. It had been reported that C.V. Wigneswaran had futilely endeavoured to give evidence in defense of Swami Premananda; demonstrating sheer duplicity, *vis-à-vis*, human rights, and raising questions on credibility ?

Insatiable greed by a socio-politically powerful and influential minuscule few, denies the basic dire needs of the impoverished poor, leading to disillusionment, frustration, unrest, rebellion and finally fighting against such social injustice, resulting in what is witnessed globally today.

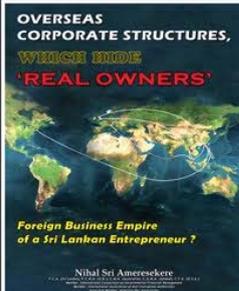
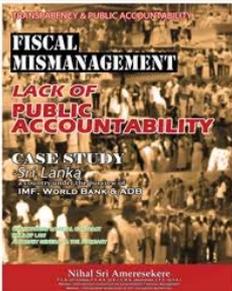
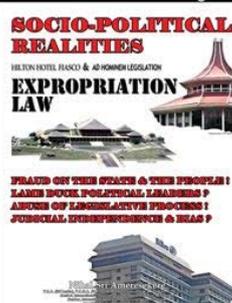
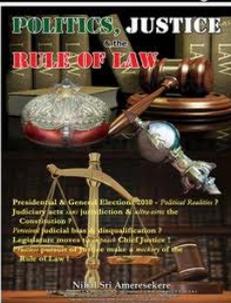
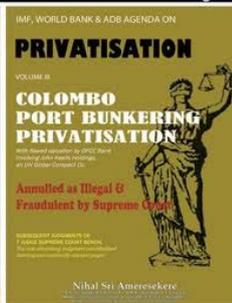
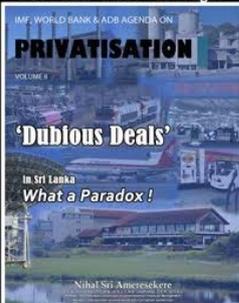
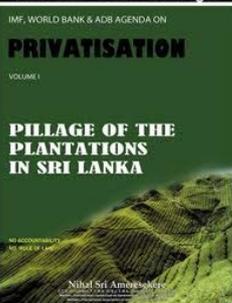
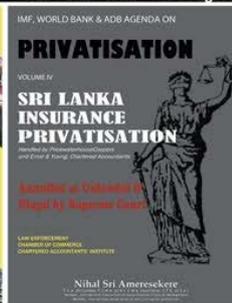
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**Well done is that action of doing which one repents not later, and the fruit of which one, reaps with delight and happiness.**

**Should a person do good, let him do it again and again. Let him find pleasure therein, for blissful is the accumulation of good.**

**An evil deed is better left undone, for such a deed torments one afterwards. But a good deed is better done, doing which one repents not later.**

**Those who know the essential to be essential and the unessential to be unessential, dwelling in right thoughts, do arrive at the essential.**

**Those who discern the wrong as wrong and the right as right — upholding right views, they go to realms of bliss.**

**Those who are ashamed of what they should not be ashamed of, and are not ashamed of what they should be ashamed of — upholding false views, they go to states of woe.**

**Those who imagine evil where there is none, and do not see evil where it is — upholding false views, they go to states of woe.**

**Easy is life for the shameless one who is impudent as a crow, is backbiting and forward, arrogant and corrupt.**

**One who, while himself seeking happiness, oppresses with violence other beings who also desire happiness, will not attain happiness hereafter.**

**All tremble at violence; all fear death. Putting oneself in the place of another, one should not kill nor cause another to kill.**

**Neither in the sky nor in mid-ocean, nor by entering into mountain clefts, nowhere in the world is there a place where one may escape from the results of evil deeds.**

**There never was, there never will be, nor is there now, a person who is wholly blamed or wholly praised.**

\* The preachings of Lord Gauthama Buddha

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" ..... The ruler's trusteeship of the resources of the State which belong to the people is a part of the legal heritage of Sri Lanka dating back at least to the third century BC as pointed out by Justice Weeramantry in his separate opinion in the International Court of Justice in the Danube Case, by quoting the sermon of Arahath Mahinda to King Devanampiya Tissa as recorded in the Great Chronicle - Mahawamsa " - June, 2009, Supreme Court of Sri Lanka

With the cancerous menace of rampant fraud and corruption, does not the unbridled pillage and plunder of the resources of the already impoverished vast majority of poor people, by few persons socio-politically powerful, influential and affluent, further impoverish them ?

Is it not a curious paradox, that schemes and designs to replace, such pillaged and plundered property of the poor people, through 'poverty alleviation programs', ironically are financed from the very funds of the poor people or by debts to be re-paid by them or their future generations ?

Despite the adoption in December 2005 of the United Nations Convention Against Corruption, specifically identifying as culprits, 'politically exposed persons', do not such persons unabashedly continue to peddle fraud and corruption, and are shielded through socio-political influences, and publicly sanctified by religious leaders seeking the 'limelight' ?

Should not the pillage and plunder of the property of the poor people, referred to as 'economic terrorism', perpetrated by 'economic terrorists', condemned internationally in contemporary times, be first dealt with, as the root cause for the germination of terrorism ?

Denying the impoverished helpless vast majority of poor people equitable social justice, does it not ultimately lead to disillusionment, alienation, frustration, social unrest, insurrection and justifiable rebellion ?

Does not therefore, the pillage and plunder of the resources of the poor people, consequently result in armed struggles and armed terrorism, with brutal counter offensives by the international community, to destroy such terrorism ?

Ironically, do not such brutal counter-offensives, with the utilization of further resources of the poor people, which consequently give rise to despicable violations of human-rights, with concerns of humanity righteously transcending parochial interests of nationality, justifiably raise international concerns, however, at a very belated stage ?

*Nibal Sri Amerasekera*

\* The Mahawamsa "The Great Chronicle" is the single most important work of Sri Lankan origin, written in Pali language translated to Sinhala and English, recording the history and heritage from 543 BC

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***Perverse Judgment by the Court of Appeal, dismissing the Appeals, which were never heard***

At the conclusion of the Inquiry into the issuance of the Interim Order i.e. the Restraining Orders, put in issue in the Court of Appeal Revision Applications Nos. 721/98, 728/98 and 738/98, in a Judgment delivered on 30<sup>th</sup> March 1999 by Justice C.V. Wigneswaran, with Justice D. Jayawickrama agreeing, whilst *intriguingly* upholding such Restraining Orders *preventing* the implementation of the Settlement Agreements (See Appendix II), *questionably* permitted the payment of the balance monies to Mitsui & Co. Ltd., and Taisei Corporation in terms of the said Settlement Agreements, *significantly inter-alia*, stating in relation to them that:

“they need not suffer financially on account of this, since they had already agreed to accept a lesser sum of money, as their dues”,

whilst in the same breath, the Court of Appeal *turned a completely blind eye* to the fraud perpetrated on HDL and the Government of Sri Lanka, as its Guarantor, which fraud had been upheld by the Supreme Court of Sri Lanka in SC Appeals Nos. 33 & 34/1992 (See Chapter 1).

By the said *perverse* Judgment, the Court of Appeal, whilst restraining the totality of the conditions of the Settlement Agreements (See Appendix II), however *curiously* permitted the payment of the reduced sums of monies (*i.e. the unwritten-off balance rescheduled amounts, as per the said Settlement Agreements*) to Mitsui & Co. Ltd., and Taisei Corporation, *significantly* noting as follows:

“Mr. Sivarasa, President’s Counsel, during the course of this Court exploring possibilities of a settlement did mention to Court that he would not have any objections to the Japanese receiving their dues provided his client’s rights under P6, P12 and P13 were protected. “

The foregoing raises the *intriguing* question, as to what *motivated* S. Sivarasa, President’s Counsel, appearing for Cornel & Co. Ltd., to have so suggested to make payments to Mitsui & Co. Ltd., and Taisei Corporation, and the two Judges of the Court of Appeal to have so agreed therewith, without having taken into account the Settlement Agreements (See Appendix II), in their entirety, which Settlement Agreements were inter-dependent and formed one composite Agreement ?

There was no settlement, but an *unilateral arbitrary questionable direction* by the Court of Appeal, permitting payments to Mitsui & Co. Ltd., and Taisei Corporation, whereby the sole responsibility for which, and the consequences thereof lied with the said two Court of Appeal Judges, namely, C.V. Wigneswaran and D. Jayawickrama and the Counsel for Cornel & Co. Ltd., S. Sivarasa President’s Counsel, in that, the consequent plight HDL was plunged into was as a direct result of such *perverse* direction, *which was consistently opposed by me*.

The foregoing *intriguing* Judgment was delivered in total disregard of the material facts, which HDL and I had adduced in a comprehensive Statement of Objections, *annexing relevant documents*, objecting to any such payments, whatsoever, being made, without the totality of the Settlement being given effect to, which included the further restructuring of HDL and thereby enhancing its profitability and debt- service ability.

*Intriguingly*, there was no reference, whatsoever, in the Court of Appeal Judgment to the said comprehensive Statement of Objections, notwithstanding that the said matter before the Court of Appeal, was concerning the grant of Interim Order *vis-à-vis* the Restraining Orders.

The Court of Appeal in the said *perverse* Judgment severely castigated certain Finance Ministry Officials and me for entering into the said Settlement Agreements (*See Appendix II*), without the Court of Appeal having taken into reckoning the facts adduced in the comprehensive Statement of Objections, and that the said Settlement Agreements had been entered into at the behest of the Government of Sri Lanka, with the permission of the Special Presidential Commission, having been obtained by the Solicitor General, Douglas Premaratne, President's Counsel.

The Court of Appeal questionably ignored to take into *reckoning* the fact that the Commercial High Court had already entered Decrees on the basis of the terms of the said Settlement Agreements, thereby *raising the question*, as to how such Interim Orders, with Restraining Orders, could have been given in the face of Decrees of Court, that too, entered of consent, to give effect to the said Settlement Agreements ?

The Court of Appeal castigated the Conditions in the Settlement Agreements to vest the Lands in the State, *conveniently ignoring* the totality of the facts, whilst endorsing the Share Transfer Agreement to transfer the Shares to Cornel & Co. Ltd., *ignoring* the defaults on the payment for the Lands by Cornel & Co. Ltd.

Whilst the Special Presidential Commission, after preliminary investigations by the Criminal Investigation Department (CID) assisted by the Solicitor General, Douglas Premaratne, President's Counsel, had issued Show Cause Notices on 4 persons, *inter-alia*, on grounds of fraud against the Government of Sri Lanka, (*Colombo Hilton Hotel Construction - Fraud on Sri Lanka Government - Vol. 2 - Criminality Exposed, but Perversely Covered-up - by same Author*), and which Show Cause Notices were before the Court of Appeal, as part and parcel of the said Statement of Objections, *intriguingly* the Court of Appeal deduced that I, of all persons would be dealt with by the Special Presidential Commission, for filing the District Court of Colombo Case No. 3155/Spl., which had been upheld by the Supreme Court of Sri Lanka as a *prima-facie* case of fraud, with a real prospect of being successfully proven. (*See Chapter 1*)

The Court of Appeal by its said Judgment, written by Justice C.V. Wigneswaran, after hearing only the Revision Applications Nos. 721/98, 728/98 and 738/98 on the matter of the grant of Interim Orders i.e. Restraining Orders, *most shockingly* dismissed, without any hearing, whatsoever, the Leave to Appeal Applications, *which were never taken-up*. That alone well and truly demonstrated that Justice C.V. Wigneswaran had a *hidden agenda*. Subsequently, the Supreme Court granted Special Leave to Appeal *highlighting such perversity*. (*See Chapter 12*)

### **Prejudice caused by Minister of Justice & Deputy Minister of Finance, G.L. Peiris, *now Minister of External Affairs***

In the said Judgment, Justice C.V. Wigneswaran, as morefully set out hereinbelow, had *extensively quoted* and relied on the *false, baseless, malicious and mala-fide* Statements, which had been made by the Minister of Justice & Deputy Minister of Finance, G.L. Peiris, *now Minister of External Affairs*, *which Statements had been proven to be false*, and made *spitefully* in the context of Minister of Justice & Deputy Minister of Finance, G.L. Peiris, having been a party personally affected by a Condition in the Settlement Agreements (*See Appendix II*), as a former Member of the Securities & Exchange Commission of Sri Lanka, (*See Chapter 6*). Citations included in the Court of Appeal Judgment of such *perverse* Statements made by the Minister of Justice & Deputy Minister of Finance, G.L. Peiris, *now Minister of External Affairs*, are set out below:

*"The Government's commitment to transparency is deep and unequivocal. It is of the greatest importance to us that no irrevocable steps should be taken until the controversies which are involved in current judicial proceedings, are resolved.*

*In particular the President's directives is that with immediate effect, no payment which is contemplated by the settlement will be made nor will any other aspect of the settlement be implemented in any way, until the conclusion of the inquiry by the Special Presidential Commission into the Hilton case."*

"The Deputy Minister of Finance said as follows in Parliament on 8.8.1995 (Vide page 648 of the Brief –P47):-

*Subsequently, however, it was discovered by the Deputy Minister of Finance and brought to the notice of the Minister Finance that the agreements signed by the Secretary to the Treasury on behalf of the Government of Sri Lanka in the course of this settlement committed the Government to a number of obligations of an unacceptable nature, that had not been disclosed to the Minister of Finance or the Deputy Minister of Finance, nor been approved by the Cabinet of Ministers. These include the requirement that the Government of Sri Lanka shall and will assist Mr. Amarasekera in settling three cases filed against him by the People's Bank and two cases filed in the Magistrate's Court of Negombo by the Commissioner of Labour and to have him released and/or held harmless and/or indemnified therefrom and from any other proceedings and/or actions presently instituted and/or to be instituted in the future by the Commissioner of Labour and/or others, in connection with, Sun Cornel Textiles Limited and/or the Colombo Apothecaries Company Limited. No sooner this was discovered and brought to the notice of Her Excellency the President, Her Excellency ordered that the implementation of the agreements should be halted forthwith".*

### **Ulterior Motive of Justice C.V. Wigneswaran ?**

The *ulterior motives* of Justice C.V. Wigneswaran is clearly borne out by the following *dicta* of his Judgment, in the face of the *dicta* of the Judgment of the Supreme Court of Sri Lanka in SC Appeal Nos. 33 & 34/1992, upholding my District Court of Colombo Case Nos. 3155/Spl, as a case with every prospect of being proven successfully. (*See Chapter 1*)

"The motives behind 4<sup>th</sup> Defendant-Respondent filing case No. 3155/Spl. and the truth of his allegations laid down in the plaint filed in the said case, might become relevant before the Special Presidential Commission inquiring into the Hilton Hotel matter and appropriate steps would no doubt be taken if necessary against the 4<sup>th</sup> Defendant-Respondent if the allegation of the Plaintiff-Respondent in this case against the 4<sup>th</sup> Defendant- Respondent were found to be true. The 1<sup>st</sup> and 2<sup>nd</sup> Defendant- Petitioners need not suffer financially on account of this since they had already agreed to accept a lesser sum of money as their dues."

### **Justice C.V. Wigneswaran 'settles' a Contempt Application !**

Justice C.V. Wigneswaran's questionable conduct is borne out further by the following matter, which was also heard by him in the Court of Appeal, notwithstanding Solicitor General, C.R. de Silva, President's Counsel, strongly objecting to him hearing the said matter.

- I was noticed to appear on 22<sup>nd</sup> / 23<sup>rd</sup> / 24<sup>th</sup> November 2000 in the Court of Appeal to give evidence in an Application for Contempt Court in Court of Appeal Application No. 883/96/A made by Cornel & Co. Ltd., supported by S. Sivarasa, President's Counsel, against Mitsui & Co. Ltd., and Taisei Corporation and certain Finance Ministry Officials.
- When this matter came up on 22<sup>nd</sup> November 2000 before the Court of Appeal Bench, presided by Justice C.V. Wigneswaran and comprising Justice N.E. Dissanayake, Solicitor

General C.R. de Silva, President's Counsel, appearing for the Finance Ministry Officials, strongly **objected** to Justice C.V. Wigneswaran hearing this matter of Contempt, in view of the aforesaid prejudicial *perverse* Judgment he had *previously* delivered on 30<sup>th</sup> March 1999, castigating the Finance Ministry Officials - *viz dicta from his Judgment*:

"It would be wrong to allow the State to gain an advantage over an individual specially when State Officials appear to have acted irresponsibly. If State Officials have committed the State to unnecessary financial burdens that by itself cannot be a ground to deprive an individual of his rights, in this instance the rights of the Plaintiff-Respondent under P6, P12 and P13. May be it was the recognition of the questionable acts of some of its Officials which prompted the Government of Sri Lanka to appoint a Special Presidential Commission of Inquiry into the Hilton Case (Vide P40A)."

- Justice C.V. Wigneswaran intimating that he could not recollect the said Judgment, adjourned Court for the next day, 23<sup>rd</sup> November 2000, for him to check on the said Judgment, reference of which was given to him by Solicitor General C.R. de Silva, President's Counsel.
- On the next day, 23<sup>rd</sup> November 2000, Justice C.V. Wigneswaran informed that he had checked the said Judgment, and stated that **he saw no reason, why he should not hear this Contempt Application**, notwithstanding the **objections** of Solicitor General C.R. de Silva, President's Counsel.
- *Appallingly*, Justice C.V. Wigneswaran on an Application made by S. Sivarasa, President's Counsel, supporting the Contempt Application of Cornel & Co. Ltd., **concurred that the Contempt matter would be withdrawn**, if the matters affecting Cornel & Co. Ltd., were settled - *was this not an instance of sheer abuse of the process of Court, blatantly condoned by Justice C.V. Wigneswaran ?*
- Douglas Premaratne, President's Counsel, appearing for me, who was summoned as a Witness, insisted and got it recorded, that I would not be bound by any agreement or settlement reached between parties, whilst S. Sivarasa, President's Counsel, who supported the Application for Contempt, *objected* to the recording of such statement made on my behalf.
- The Contempt Application was *curiously* taken off the Roll and postponed by Justice C.V. Wigneswaran.

### **Indian Supreme Court rejects Justice C.V. Wigneswaran's evidence as 'wishful thinking'!**

The following is a citation from "Swami Premananda; Avatar behind bars" by Adams Parsons <http://www.einterface.net/gamini/premananda.html> (*Emphasis added*)

"With his hair tied on top of his head and a warm bearded smile for every visitor, it is hard to imagine this gentle Swami as capable of the heinous crimes alleged. But on 5<sup>th</sup> April 2005, the highest Court in India deemed that Premananda's 'double-life' sentence for murder, rape and conspiracy will run consecutively without further appeal ..... The Supreme Court Judges in Delhi branded Premananda a "devil" and a "monster", even going beyond their powers to forbid in remission of his sentence or amnesty ..... **a more mystical interpretation of the case surprisingly comes from a Supreme Court Judge in Sri Lanka, C.V. Wigneswaran, who is a long- time devotee of Premananda and one of many defence witnesses rejected by the Courts as a "wishful thinker" "**

Cited below is an interview, which had been given by Justice C.V. Wigneswaran, *vis-à-vis*, the foregoing Judgment of the Supreme Court of India, which is highly respected and renowned for its fearless judicial independence – *Source* - <http://www.justice-for-premananda.org/en/interviews/wigneswaran/>

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### INTERVIEW WITH MR. WIGNESWARAN, RETIRED JUDGE OF THE SUPREME COURT OF SRI LANKA, CONCERNING THE RECENT JUDGEMENT AGAINST SWAMI PREMANANDA

*Recorded on September 1<sup>st</sup> 2005 in Colombo, Sri Lanka*

**Question:** Mr. Wigneswaran, how did you, being a Supreme Court Judge yourself and knowing all the facts of this case well, receive the news that the Supreme Court of India upheld the conviction against Swami Premananda in their judgment given on 5th April 2005?

**Mr. Wigneswaran:** I was most surprised because we normally expect the highest court of the land to be dispassionate, impartial and unbiased. We would expect them to examine the previous shortcomings in the case and to give a considered opinion. However, I found that this particular judgment seems to have been of the same kind as the judgment of the lower Courts, and that was a surprise to me. They have preferred to abide by the findings of the lower Courts, which is most disheartening because, for example, the sanction granted to apply physical force to obtain implicating statements from witnesses is really appalling. I just did not expect the Supreme Court to act in this fashion. It only shows that there has been a tremendous amount of bias and prejudice with regard to this case and that has got into the minds of judges too, when they are expected to be absolutely impartial. So I would say that this was actually a surprise to me and I was most saddened and anguished by the said judgment.

**Question:** How would you as a judge comment on the reasons given by the judges or their explanation for confirming the judgment of the lower courts?

**Mr. Wigneswaran:** You see this is an instance where I have always said right from the beginning that there was no case at all. This case could not have gone anywhere beyond the Police Station if the Police had been really interested in finding out actually and impartially what really had happened. They would have come to their own conclusion as to the falsity of the complaints and they would not have even filed this case. But here is a case where the Police takes over all the witnesses, keeps them under their supervision until the trial is over. These witnesses were kept incommunicado, never allowed to see their parents nor their dear ones and this is how evidence was obtained from them. The judges were interested in a conviction for reasons best know to them, rather than seeking the truth. The innocence of the accused was immaterial to them. In fact it would have been so easy for any perceptive judge to have seen through all this if he was not unduly prejudiced by the accused being a Swami. Therefore, I was really surprised that this has not been seen by the lower Court, the High Court and now the Supreme Court of India. It does not speak well of the judicial acumen of the Judges.

Well, if you ask me how would I have looked into this particular case, in fact any judge would first of all have checked up all the matters. What I find is that certain steps have been taken by the police. Very cunningly they have been taken and they have made use of the witnesses

by keeping them under their custody. Even while they were at Women's Homes they were under their direction and custody and the police made use of them for the obtaining of the type of evidence they wanted to foist on the Swami. These girls have been given training to give false evidence under duress. One cannot expect this type of case to have been not seen through by any perceptive impartial judge.

This is what is really making me very sad. I do not think if it was a case that would have come up in front of us here in this country (Sri Lanka), our judges would have acted in this manner. You can see that there had been so much prejudice caused by the papers, the media. They have gone to town with all sorts of stories. None of those stories were true. Most of them were absolute untruths and some were half-truths slanted to slander Swamiji. But they were so sensationalized that the judges had fallen a prey to all this. And this is the most disheartening thing, because judges are not expected to become partisan in these matters and to feel that this might have happened and therefore to conclude that it must have happened. That is not the way in which judgments have to be written. You start off on the wrong foot saying Swami has been a sort of a Satan, one who should have been religious had been acting as a Satan and so on. This is not the way. The Judge should have gone into the whole case very dispassionately, step by step, found out what was the truth, especially because this particular case had come from the Original Court, gone through the High Court and some of the most sought after lawyers had appeared in this case and had stated that there have been a lot of shortcomings in this particular case. Why these matters had not been looked into is beyond me. Now for example the judge at the beginning of this judgment said: "It illustrated a classical example as to how the insatiable lust for sex of Swami Premananda leads to the raping of 13 Ashram girls and the murder of one Ravi." This means that he has already made up his mind that this is what has taken place and thereafter he goes on to only find out what is the evidence that is available in order to say that the Swami had indeed committed all these offences. This is not the way in which judges are expected to write judgments. They have got to start from the beginning, set out how the police have stated their case, the type of evidence led by them, their cross examination and then look into the type of evidence that have been led on behalf of the accused, go into all aspects and then come to a decision and a determination at the end. I am sad to say that this is not the type of judgment that was expected of the Supreme Court of India, which has been held in high esteem hitherto. Because India is a nation for whom we have a great respect because spirituality lies at the heart and core of that country, Judges to come out with such judgments is incomprehensible.

**Question:** In this judgment Swami was given double life sentences. It is stated by the Supreme Court that no remission nor amnesty should be considered. Would you agree?

**Mr. Wigneswaran:** Yes, this again shows the prejudice. The judges have been so prejudiced, that in their own mind they had thought that he is a diabolical Satan and therefore have gone out of their way to transcend the power given to them, which is that they have to give a sentence and thereafter the question of remission had to be looked into by the Executive. Now the very fact that they have gone beyond it and said that no remission should be given shows the extent of their prejudice and that is precisely what I am trying to point out: Judges are not expected to be prejudiced in their minds, biased in their minds. They have got to look at any particular case that comes up in front of them dispassionately. This is a very good example of the fact that judges either for reasons best known to them or because of their enthusiasm to punish a person whom they thought was a diabolical criminal, went to the extent of transcending their limits, which have been laid down as to how sentences should be given. I think it is not proper on their part and the Executive should not be bothered about what the Judges have said in this. Because the Executive could still go into this question

and find out whether there are adequate and cogent reasons which need to be taken into consideration with regard to the remission of the sentences and so on.

May we hope that the truth about this case will be exposed soon and that justice will be done to Swami Premananda and the other innocently imprisoned.

This site is about spirituality in the New Age, Esoteric teachings, Ageless Wisdom, miracles, supernatural phenomena and modern spiritual teachers such as Sai Baba, Maitreya and other Avatars.

It also gives information about topics such as life after death and complementary medicine.

### The New World Prayer

The new world prayer was given by Maitreya in July 1988 is really an affirmation with an invocative effect, and will be a powerful tool in the recognition by us that man and God are one, that there is no separation. By affirming that I am the creator of the universe I can come into consciousness (eventually) that I am God, the true reality.

**I am the creator of the universe.**

**I am the father and mother of the universe.**

**Everything came from me.**

**Everything shall return to me.**

**Mind, spirit and body are my temples**

**For the Self to realize in them**

**My supreme Being and Becoming**

The Lord Maitreya

Take your brother's need as the measure for your action, and

<a href="#">Maitreya</a>	<a href="#">Sai Baba</a>	<a href="#">Jesus</a>	<a href="#">Miracles</a>	<a href="#">Meditation</a>
<a href="#">Golden Age</a>	<a href="#">Afterlife</a>	<a href="#">Prayers</a>	<a href="#">Masters</a>	<a href="#">Home Page</a>

## Swami Premananda: Avatar behind bars

by Adam Parsons

Despite severe maltreatment at the hands of India's corrupt criminal justice system, Swami Premananda continues his spiritual teaching and extraordinary service activities as he waits to begin his God-given mission. (2,915 words)  
July/August 2006

In a remote village on the edge of southern India, far off the tourist offmaps, a cheery holy man continues his fixed routine. Between six in the morning and six in the evening, Swami Premananda gives a daily spiritual discourse to an audience of hundreds, writes personal replies giving advice and support to an unending stream of letters, holds open interviews every day for the poor people around him, while constantly overseeing the management of a fruit plantation, a flower nursery, an orphanage, a school, and an ashram more than 250km away. It may sound like the life of a particularly conscientious sage, except that Swami Premananda has languished behind bars for more than 11 years, and the people who seek his daily counsel are fellow prisoners in Cuddalore jail.

With his hair tied on top of his head and a warm bearded smile for every visitor, it is hard to imagine this gentle Swami as capable of the heinous crimes alleged. But on 5 April 2005, the highest court in India deemed that Premananda's 'double-life' sentence for murder, rape and conspiracy will run consecutively without further appeal. According to Indian newspapers and tabloid magazines he is the most despicable criminal in the history of Tamil Nadu state, but according to Premananda's innumerable supporters, including the most famous legal mind in India, the case is a scandalous miscarriage of justice that is bound to shake the conscience of the world. It is a case, some say, of the deepest extremes: of good against evil, of sinners against saints, and of a symbol for man's eternal struggle for righteousness and truth.

The Supreme Court judges in Delhi branded Premananda a "devil" and a "monster", even going beyond their powers to forbid any remission of his sentence or amnesty. His international followers, however, continue to fight for justice and maintain that Swami Premananda is an incarnation of divinity, an Avatar on a par with the greatest saints, and a being of the highest purity who embodies powers beyond the knowledge of science. "I am also being tested by God," he said after his arrest. "As a result I am sure that I will be made known to all humanity."

Apart from the media storm in India surrounding the Swami's spiritual status, his life story is nothing short of extraordinary. A brief biography published by the ashram gives accounts of miracles and abilities that confound the laws of physics, and many more such are attested to by devotees and members of his family. Born in 1951 in the village of Matale, Sri Lanka, under the name Prem Kumar, holy ash or vibhuti would often manifest around him as a baby, and as a toddler he soon exhibited an unusual interest in spirituality. While his brothers and sisters played outside, Prem could be found performing puja (rituals) with his grandmother, or facing a wall in a corner absorbed in deep meditation, even at the age of four. It is said that if he thought too much about the divine or the lives of saints, he would fall into an unconscious state of rapture.

His biography reveals that as a young schoolboy Prem could manifest sweets or fruits out of nowhere for his friends, and he became renowned in his school for multiplying his lunch food, for holding erudite discussions on philosophical subjects, and even for performing miraculous healings. Knowing that he could immediately see anyone's problems and infallibly predict their future, the parents of his friends became the boy's first devotees before he reached adolescence. As news of his powers spread, hundreds of people in Sri Lanka

solve the problems of the world. There is no other course.

Share and save the world.

Fear not!

All in time will be renewed.

All in time will be returned to light.

Lord Maitreya

"Before the throne of God, the angel, with all the other angels, stood and cried: 'Lord of my life, grant me the strength to tread the path of revelation; to cross the sea of dark illusion, and face the lighted way of earth.' God said: 'Go forth and far away.'

"Before the gate which opens on the lighted way to peace, the angel stood alone and said: 'Lord of my life, the way of revelation is the way of manifested life; the path of dark illusion leads to the light which scatters every shadow. I seek to tread the lighted way which lead back to thy Presence. As yet that way is dark. What shall I do?' God said, 'Draw near and enter into thine own light, and in that light, see Light.'

"Before the gateway of each newborn day, which holds within its sealed hours ordered responsibility, each morn I stand. I cry aloud: 'Lord of my life, how can I do the duty of this day and seek detachment? Meet every need and yet free myself from ties and bonds?' God said: 'The sun draws near and vivifies the earth. Naught can it

began to seek his blessings and healings, until Prem made the conscious decision to dedicate the rest of his life to serving humanity by becoming a renunciate monk, a sannyasin. Since that day, even his family refer to him respectfully as Swami Premananda, from the Sanskrit words meaning that through Prema (pure love) one arrives at Anandam (everlasting happiness).

At the age of 16, after Premananda had conducted ceremonies and interviews in his grandmother's house for several years, a small ashram was donated to welcome the crowds of people who flocked to see him. Named the 'Centre of Peace for All Religions', with symbols of every major faith painted on inside walls, it was a prime target for the mass religious and racial riots that erupted throughout Sri Lanka in 1983. The ashram was completely burned to the ground and everything in it destroyed. By this time, Premananda was taking care of many orphans and unwanted children, several of whom joined him in fleeing the country to begin a new life in southern India.

Setting up a temporary home for some years in the city of Trichy in Tamil Nadu, the Swami surprised everyone with his choice of land to build another ashram: a remote and desert-like area covered in thorns and brambles. A small group of volunteers gradually transformed its vast acres into an oasis of long bright walkways and manicured flowerbeds. Officially inaugurated as Premananda Ashram in 1989 in the presence of many spiritual leaders, the Swami's popularity rapidly flourished across the world. He toured through various countries in Europe and Asia, and, during several visits to London, teeming crowds would often queue in the streets for an interview.

Long-term residents in the ashram still speak of the ceaseless activity of those days: at weekends, thousands of visitors would flock for darshan (a blessing), and each person was always given a personal interview with Premananda. Even today it is hard to picture the ashram as less than a thriving community; nearly 800 deprived or orphaned children are cared for and educated in the school, and each day food is provided for up to a thousand people. There is a printing press, a computer room, a specially-built bus route and a fleet of waiting taxis, and scores of chattering schoolchildren walk along in crocodile file to lessons, smiling at any foreigner and praying their hands with an unvarying greeting – "Jai Prema Shanti!" (meaning "May divine love and peace be victorious!").

This genial ambience was shattered on 19 November 1994 when a battalion of police officers with machine guns raided the ashram in armoured vans. Two weeks earlier a 19-year-old girl and two adults had approached different national newspapers in Madras with vague but damning accusations of sexual abuse by Premananda. No tangible proof was offered before the Swami and six other residents, including his elderly uncle and brother, were quickly arrested and placed in custody.

A mass of sensationalist articles with dozens of further accusations quickly flooded the entire state of Tamil Nadu, all of which were based on undisclosed 'intelligence', anonymous sources, or simply the libellous hearsay of tabloid magazines. 'Prem's', as they began calling the Swami, was deemed guilty before trial of gun smuggling, murder, conspiracy and fraud, of exporting marijuana, and even of fighting for the notorious Sri Lankan Tamil Tiger terrorists. While magazine sales rocketed, the initial charge of rape was added to by the dozen. Eventually 33 accusations were filed by the police, based entirely on the salacious media reports. Despite prolonged investigations and wild media speculation not a single shred of evidence was discovered.

According to Ram Jethmalani, one of the most revered and brilliant senior advocates in India who defended the Swami's case, the supposed 'rape victims' were illegally kept captive inside a single room, forbidden from seeing any family or friends until the end of the trial, and repeatedly stripped naked, tortured and beaten until they made false statements against Premananda. He later argued that a murder charge, added two months after the case began, was entirely "bogus", a "legal joke", and "a gigantic fraud on the law".

In August 1997, almost three years after the arrests, the verdict of the judges echoed across India. To the dismay of devotees and the disbelief of his legal team, Swami Premananda was declared guilty as charged of serial rape and murder. He was given two life sentences to run consecutively, effectively a 'double-life' sentence which in itself was questionable. Both verdicts were also linked together under a conspiracy charge instead of being dealt with

take from out the  
earth. Live likewise.  
Give and ask  
naught!"

Alice A Bailey

separately, which was another violation of Indian law. Of the six other accused, nearly all faced life imprisonment.

The jail where Premananda has lived since 1998 is a five-hour train ride from the ashram in a dusty coastal town called Cuddalore that was ravaged by the December 2004 tsunami. No tourist would have a reason to come here, especially not at the muddy end of the rainy season, but I had been warned not to let slip the purpose of my visit. It added to a slight sense of being on a furtive assignment – reporters were strictly forbidden in the prison, and Premananda had never met with a foreign journalist since his arrest, so my visit was in the role of devotee.

A small gathering of us assembled at a nearby village in the early morning before herding into a couple of 1950s-style Ambassador taxis. The prison stood two km away in a silent and gloomy woodland, enclosed by a barren forecourt and a towering wall guarded by sentries with old-fashioned rifles. Everyone shuffled past a khaki-uniformed guard who randomly checked bags and pockets, although the jailor inside paid little attention and sat reading a newspaper. The Swami's bare, windowless cell was about ten paces long and barely three across, and caged in by a vast metal grille.

It became more surreal as our entourage gathered around Premananda, who was quietly eating breakfast on a stool in the corner. As we crowded into the narrow corridor in a hustle of activity and excitement, an Italian lady dressed in white began to poke roses, incense and a necklace of jasmine flowers through the lattices.

Many people who first meet Swamiji, as he is normally referred to, say how differently he comes across from the usual notions of the sombre holy man, but with a full round beard, ever-smiling white teeth, and wearing a wrap-around cloth called a lungi, he almost seems the stereotypical wise and jubilant guru. He speaks to foreigners in a charismatic, self-taught English that requires some translation from those more experienced in his enjoyable style of jumbling up clauses and missing out verbs, and it can be difficult not to laugh along with his animated explanations.

The PR officer who translated explained that Premananda is going blind from untreated eye cataracts and diabetes, as well as suffering from high blood pressure, ear problems and chronic asthma. In the summer monsoons, I was told, rains could flood each prison cell to knee height. "There are barely any facilities – no roof, no fan, no light, no bed!" Premananda explained, squinting and chuckling through the grille. "I have to sleep on the floor. And the food is not safe to eat. Sometimes my children (devotees) come here with food for me, but that is actually against the law. Secretly I eat, without anybody knowing!" He described these conditions with such jollity and mirth that it was easy to overlook how terrible it must be. Asked how things were for the other prisoners, the Swami began to describe the injustices rife inside Indian jails. Of the 3,000 prisoners in Cuddalore prison at least half were innocent, he said, as it was common practice for a rich person to commit a murder or serious crime and then bribe the police so that an 'ordinary' man is blamed. "But how can we help these people? The only way is by appointing a lawyer," he said. "The government appoints each prisoner a free lawyer, but he does nothing. Now I have freed roughly 200 people by paying for a lawyer and overseeing the case. If somebody gives pocket money to me, that money goes directly to their lawyer! I don't want money for myself."

Other prisoners who live alongside Premananda spoke of the quiet good works that he continuously undertakes inside the prison. Mr Parvallah, who spends hours in Premananda's cell each day handwriting replies to letters that the Swami endlessly dictates owing to his loss of sight, gave information that was not even known to residents in the ashram. Every morning at around eight o'clock, said Parvallah, several hundred people gather in the courtyard, with special permission from the guards, to listen to Premananda discuss an aspect of Sanathana Dharma (the philosophy of India's ancient sages). "I have attended these talks every day for four years, and they have definitely changed me," he said. "When we listen to Swami's satsangs (discourses), for that hour we forget that we are in prison."

Mr Kumaran, a quiet and sincere young man who helps Premananda with chores in his cell, spoke with such praise for the Swami that his eyes widened

and his face seemed to glow. Describing the material and spiritual help that Premananda gives to the hundreds of prisoners who visit him, including money to help their families and even small shops to help poor people re-establish themselves after prison, he said: "Although Swamiji is in human form, I feel that he is really a living god."

One ex-inmate of Cuddalore jail, Mr Shankara, spoke of becoming so attached to Premananda that he refused to leave prison upon his release, and even considered committing a 'true' crime in an attempt to get readmitted.

The question of miracles and 'Gods in human form' may go to the heart of Occidental doubts and suspicions, but during the prison interview Premananda twice referred to his powers in a tone that was close to a lament. "Here in the prison, normally, I am not a great man. I am an ordinary man," he said. "God gives me so much power, what I do (sic)? When I was a younger age I would do miracles and everything. This was so that everybody slowly came to understand (that a greater consciousness exists)."

Shortly after saying this, Premananda asked to take my arm through a small opening in the metal door. Explaining again that he never performs miracles inside the jail, with a swish of the hand he produced a handful of sweet smelling sandalwood powder, and then materialized from nowhere a small metal statue of the elephant God, Ganesha, which was accompanied by unusual sensations of warmth and tingling in the palm. It was, according to those present, the first miracle Premananda had performed for five or six years.

He later went on to elucidate his position: "I tell the truth, I never lie. So, now Swami has come to this Earth, I don't want the name or fame. I'm not bothered about that. My only aim is to make people go in the correct direction. That is the main aim."

As Swami Premananda faces the prospect of 18 more years in prison without further appeal, the counter-allegations in his lawsuit are so serious that many supporters believe the details warrant scrutiny in an international court. Ram Jethmalani, despite being retired from practising law at the age of 83, has vowed to personally champion the case until a presidential pardon or reprieve is issued. "One has to hang one's head in shame," he said after the Supreme Court judgement, claiming that the verdict has caused international embarrassment in the Law Schools of India by effectively sanctioning the beating up of witnesses to "extract what the police regard as truth". The implications are so forbidding, he warned, that legislation should be urgently introduced to reverse the law as currently laid down in India.

A more mystical interpretation of the case surprisingly comes from a Supreme Court Judge in Sri Lanka, C.V. Wigneshwaran, who is a long-time devotee of Premananda and one of many defence witnesses rejected by the courts as a "wishful thinker". The most important thing to recognise, says Judge Wigneshwaran, is not only the deplorable infringements of human rights, or even the manifest injustices taking place in the Indian legal system, but simply the prisoners who have transformed their lives after meeting Premananda in jail.

On 20 November 2005, Premananda Ashram celebrated the Swami's 54th birthday while he lay guarded 300km away on a hospital bed in Madras. Two days later, there was little to celebrate: it was the anniversary of Premananda's 11th year in prison.

To most Westerners the merest mention of the word guru or divinity sounds too implausible to be given a moment's thought, but if Premananda's case is given any credence at all, then his life story could literally challenge the core of present-day atheism. He has already said that he knows exactly why he came to prison, exactly when he will be released, and the definite consequence that he will be made known to "all of humanity". But perhaps the most mysterious of his assertions was spoken from a jail cell in 2002. "I have come to this world to do some work," he said. "God gave me a job and I have yet to start it ... but after I have started, you will understand."

OUTQUOTE: "I tell the truth, I never lie. So, now Swami has come to this Earth, I don't want the name or fame. I'm not bothered about that. My only aim is to make people go in the correct direction. That is the main aim." Swami Premananda

(Share International magazine -July/August 2006)

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