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சட்டத்தரணிகள் ஒன்றிணைவு

Lawyers' Collective

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03.01.2024

Hon. Sanjay Rajaratnam PC
Attorney General,
Attorney General's Department
Colombo 12.

SCFR Application No. 107/2011 decided on 14.12.2023 wherein three police officers namely one Bandara, Bathiya Jayasinghe Inspector of Police and M.W. Deshabandu Tennakone (the current Acting Inspector General of Police), the 1st, 2nd and 5th Respondents to the said Application were found guilty of infringing the fundamental rights guaranteed to Ranjith Sumangala, the Petitioner under Articles 11, 12(1), 13(1) and 13(2) of the Constitution

The Supreme Court on 14.12.2023 found that the above named Police Officers, including the current Acting Inspector General of Police Deshabandu Tennakone has violated the fundamental rights guaranteed to the Petitioner, Ranjith Sumangala by Articles 11, 12(1), 13(1) and 13(2) of the Constitution by assaulting the said Petitioner, Ranjith Sumangala, whilst in Police custody at the Mirihana Police Station, in order to extract confessions with regard to the robberies that the said Ranjith Sumangala had allegedly committed.

In the said judgement, the Supreme Court has unreservedly upheld the following contentions of the Petitioner.

- 1) that the 1st and 2nd Respondents abovenamed tortured the Petitioner at the Mirihana Police Station, in order to extract confessions with regards to robberies allegedly committed by the Petitioner.
- 2) that the 5th Respondent abovenamed tortured the Petitioner at the Mirihana Police Station on 17.12.2010 by beating him with a rubber band after stripping him naked and ordering him to rub Siddhalepa on his Genitals in order to extract confessions with regards to robberies allegedly committed by the Petitioner.
(copy of the Judgement is annexed hereto)

It would be clear to you that the above findings constitute the offence of torture under and in terms of section 2 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act No. 22 of 1994.

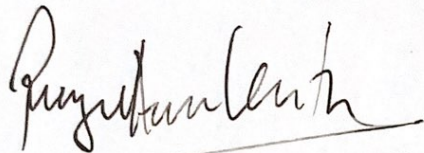
As the Supreme Court has held in Land Reform Commission v Grand Central Limited (1981) reiterated by Janak De Silva J in SC(FR) Application 209/2021 “ The Attorney General has a duty to the court, to the state and to the subject.... he is vested with extensive statutory powers in relation to criminal investigations and prosecutions. Such powers are held in public trust.

They must be exercised for the due administration of justice according to the Rule of Law the basis of our Constitution.

In as much as the aforesaid findings demonstrate the presence of clear acceptable material constituting the said offence of torture, the Lawyers Collective points out, that it is your bounden duty to immediately prosecute against the said officers for committing, *inter alia*, the said offence of torture.

The Lawyers Collective also points out to you, in as much as an impartial investigation cannot be done whilst the 5th Respondent above named is functioning as the Acting Inspector General of Police, it is also your bounden duty to advise the appropriate authorities to have the 5th Respondent above named i.e. M.W. Deshabandu Tennakone, interdicted pending investigation.

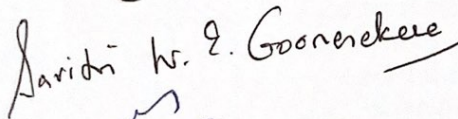
On behalf of the Lawyers' Collective,




Rienze Arsecularatne P.C.



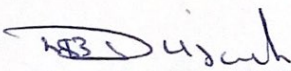
UPUL Gayasuriya P.C.



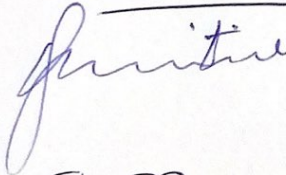
Prof. Savitri Goonesekere



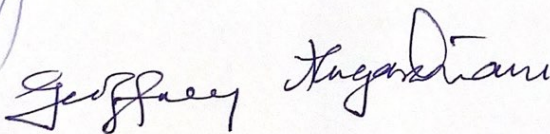
DINAL PHILLIPS P.C.



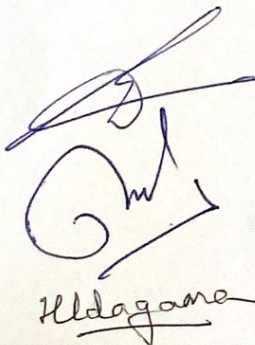
Nalin Dissanayake P.C.



Prof. Laxman Gunaratne



Geoffrey Alagaddura P.C.



Manoj Nanayakkara B.A.L.

Amila Egodamahawatta

Prof. Deepika Udagama