

**REPORT OF THE COMMITTEE OF INQUIRY INTO  
. INTELLIGENCE COORDINATION AND INVESTIGATIVE  
PROCESSES RELATED TO THE EASTER SUNDAY BOMBINGS  
OF 21ST APRIL 2019  
(submitted Sept 2024)**

<https://srilankabrief.org/wp-content/uploads/2024/11/A-N-J-DE-ALWIS-report-.pdf?>

FINDINGS. The committee reviewed the facts and reached the following findings;

- a. **The secretary, MoD** is not a token position and plays a significant role regarding administration which plays a pivotal role in coordinating and functioning of the security of the country. In respect of intelligence pertaining to national security, this position is vital in presiding over the ICM and facilitating to report the findings or information to the NSC;
- b. The lack of seriousness given to the information is attributable for **not taking steps to inform the president regarding the developments;**
- c. Although the initial information may not be precise as to the attack in terms of date and exact places regarding the churches, since it relates to national security, **the secretary should have taken a proactive role in facilitating a meeting of the NSC.** The Committee observes that this would have ensured a meeting of minds of the executive and given gravity for devising stringent measures to apprehend the suspects;
- d. The failure to have facilitated a platform to take cohesive decisions, transfers to the actions regarding the impending attack. on 20th April 22 2019, the only significant thing the Secretary did upon being alerted regarding the attack was make a call to the IGP and satisfy himself on the assertion of the IGP that actions are being taken
- e. when concerned with an impending attack, while complete prevention is ideal, at least steps should be taken to mitigate the damage. In such situations, practical measures have to be taken based on the power of the position that one holds. **It begs the reason why immediately a conference of the police (not restricted to the IGP) and the Tri-forces were not called in addition to alerting the former President and the Prime Minister.**

**Hence, the Committee finds that the former Secretary, MoD had failed to take diligent action regarding the attacks and his conduct had not been adequate.**

RECOMMENDATION

**The Committee recommends that the former secretary, MoD should be prosecuted under suitable provisions in the Penal code for negligence by relevant authority.**

#### 5.4. MR. PUIITH SENADHI BANDARA IAYASUNDERA" RETIRED IGP

##### OBSERVATIONS

The Committee observed that in 2016, Mr. Pujith Jayasundera was appointed as the IGP of Sri Lanka,

He continued to function as the IGP at the time of the attack. Although the Mandate questions regarding the Impending attack, preliminarily the Committee considered it necessary to review the immediate background leading to the incident,

The Committee observed that he had been aware of Muslim extremists and the following related incidents connected to Zahran Hashirn and his cohorts;

- i. The clash between two religious factions on 10,02.2013 at Aliar Junction, Kattankudy, Batticaloa;
- ii. The destruction of sacred Buddhist Statues at Mawanella during the period from 23<sup>rd</sup> to 26<sup>th</sup> December 2018;
- iii. Recovery of explosives from Vanathavilluwa on 16<sup>th</sup> January 2019.
- iv. The explosion of a motorbike on 16<sup>th</sup> April 2019 in Thalankuda, Kattankudy, conducted as a dry run.

Regarding these incidents his position was that he directed the CID to continue investigations.

Further, he admitted that SIS had sent numerous reports regarding Zahran and his associates.

The Committee observes that he had been sufficiently alerted regarding brewing extremist activities in the Island.

In this context, he admitted that by letter dated 09<sup>th</sup> April 2019 CIIB he had been made aware regarding the possible attacks by CNL

Further, he admitted that the CNI had also alerted by letter dated 09,04,2019 (C118) and additionally placed a rminute

*"It is important to alert the law enforcement agencies to be vigilant confirming the information".*

Hence, it is observed that he had sufficiently received credible information regarding a planned attack by the NTJ led by Zahran and his associates.

Based on the intelligence received, he had determined that the appropriate course of action was to refer the information to a special team of officers for investigation and to apprehend the relevant suspects.

Hence, he had assembled a team of officers who had been alerted to take necessary actions by placing a note written as F.N.A, (C11D).

It is observed that this is the action and/or measure that the former IGP had considered to be adequate to take in view of the information. Furthermore, in explanation of his decision, he also submitted that he did not take steps to immediately alert all police stations as at the time there was a rift between him and the former President, and he was concerned about being reproached if the alert caused public distress.

The Committee also observed the numerous occasions he had met the president during this period leading to the attacks. He had accompanied the President to the Eastern Province on 12th April 2019 as well as paid a visit to greet the President on the occasion of the Sinhala Tamil New Year.

Furthermore, on 16<sup>th</sup> April 2019, he had accompanied the President, who departed for India and then to Singapore. Although he informed that there was a breakdown of cordial relationship between him and the President during this period, nevertheless it appears that they still had interactions and hence it wasn't as if he was totally excluded from confiding the intelligence received regarding the attacks.

He further submitted that **he had seen the three written reports of the Director, SIS dated 18<sup>th</sup> April 2019 (C10A), 19<sup>th</sup> April 2019 (C13) and 20<sup>th</sup> April 2019 (C14A) pertaining to Zahran, only after the Easter Attacks.**

**He admits that he signed the letters (two of which had been sent to his official residence) after the attacks.** His position regarding the delay of viewing the documents was that since the reports had been sent routinely he had considered them as any other ordinary correspondence. Moreover, the Director, SIS not specifically calling and alerting him regarding the reports further contributed to the delay in referring the reports prior to the incident.

Regarding the impending attack, he submitted **that 6<sup>th</sup> April 2019, he had only received a telephone call from the SIS, Director, Nilantha Jayawardena, which mentioned only a probability of the attack, not its certainty,**

**He categorically denied receiving the WhatsApp Message (C19).**

**He concedes that the said Director called in the morning on the following day (i.e. 21<sup>st</sup> April 2019),** however, similar to the previous call there was no certainty of the attack. He denied the contrary version of the SIS Director's version regarding the precision of the communication about the impending attack.

## **FINDINGS**

The Committee arrived at the following findings;

**a. He had been aware of Zahran Hashim and Muslim extremism prior to the attack;**

**b. The initial intelligence received from Indian Intelligence, forwarded to him by the Director, SIS, Nilantha Jayawardena, and CNI, Sisira Mendis, gave credible information to immediately apprehend Zahran and his associates.**

c' The decision of the IGP to merely refer the said intelligence to a specially assembled team appears to be the only action and/or measure taken by him;

d. The said decision lacks any pro-active approach. Matters of national importance regarding national security, have to be considered with severe gravity. The Sri Lanka Police is not a conventional department doing an office job and is expected to take a more pro-active approach when dealing with matters of security;

e. Moreover, he **had abdicated his powers** by completely being over reliant on the delegation assembled to investigate the information and expecting such as the STF commander to alert the officers on the ground. He had omitted to follow up and/or monitor the progress regarding operations and exert sufficient gravity and interest regarding the intelligence;

f. Although the IGP was appraised that Zahran and his associates are affiliated to Batticaloa District, he had failed to share this information with the SDIG, Eastern Province and has been heavily reliant on the officers assembled by him mentioned in the preceding section;

g. The office of IGP is indeed a busy position. However, as he had been sufficiently appraised regarding the possibility of an attack by the aforesaid intelligence, he should have been more mindful and alert regarding the threat. The lackadaisical approach ultimately resulted in missing the reports regarding the attacks disseminated by intelligence until after the incident

h. Although the former IGP mentioned there was a rift between him and the former President, it appears that he was not completely excluded from interacting with the former President. Hence, he had failed to share the intelligence with the former President being the highest authority of the Country;

i, Furthermore/ it is apparent that his conduct during the period when he was informed about the intelligence from India was influenced by his cautious approach due to the breakdown in his relationship with the former President. This reflects a high degree of a self-interested approach in fulfilling the duties of the office of IGP, rather than making decisions in the public interest

j. **The position of the former IGP that the Director, SIS did not state with any certainty regarding the attacks is untenable.** supposing that the position of the former IGP is true (i.e. whether the Director, SIS didn't sufficiently alert him regarding the impending attack on 20<sup>th</sup> and 21<sup>st</sup> April 2019), nevertheless, the said Director had sufficiently informed him regarding the initial receipt of Indian intelligence by letter dated 09.04.2019.

The former IGP had responded to this by assembling a team as mentioned in preceding sections. The lack of any follow-up and monitoring the progress of investigations and expecting his delegation to inform him is very reckless;

k. In any event, according to the former IGP's version, at least he was informed about the probability of an attack at least by 20<sup>th</sup> April, which still gave sufficient time to prevent or at least mitigate the disaster. There is no justifiable basis for the IGP to completely disregard this information and not devise any measures to address the situation; the ability to not identify the disaster and react is gravely concerning and reflects high ineptitude;

l' In totality the **Committee finds that the former IGP had sufficient information to prevent or at least mitigate the attacks.** However; the actions and measures taken by him as described above are insufficient and inadequate,

#### **RECOMMENDATIONS:**

The Committee recommends that he had knowledge of the attacks, which were so imminently dangerous that they would likely cause death or serious bodily injury.

Therefore, the Committee recommends that the former IGP should be indicted under relevant provisions of the penal code by the relevant authority.

## **5.5. MR. NANDANA MUNASINGHE, FORMER WP.SDIG**

### OBSERVATIONS

He was appointed to the post of WPSDIG in 2016 and functioned at the said post at the time of the incident.

The Committee observed that as the WP-SDIG he was in-charge of the Western Province. The Western Province was under the command of four DIG ranges.

He submitted that he was aware of Muslim extremism from 2018.

Regarding incidents leading to the impending attack, he submitted that **on 09th April 2019, his office had received information from the IGP** regarding the attacks (C11-C1).

As he was not in the office at the time, **his personal assistant had read the content of the letters to him over the phone.**

He had decided to attend to the matter on the following morning (i.e.10<sup>th</sup> April 2019).

Upon returning to the office, he had drafted a letter (C26A) with instructions to his four DIGs. The instructions, amongst others, mentioned **to tighten security for the churches and conduct the investigations without alarming the public.**

He further submitted that since the letter (C11C1) had endorsements **"top secret, eyes only"** he had kept it in his personal custody.

He stated that **it was given to the CID after the attack.**

Regarding the impending attack, the Committee observed **that on 20th April 2019 he had been informed by the Director, SIS, Nilantha Jayawardena.**

**Additionally, SDIG-CID, Ravi Seneviratne had also called him,** He had thereafter alerted his DIGs. Furthermore, he had called Division-SSP Negombo, Chandana Athukorala considering it a predominantly Catholic area. He had again called the DIGs on the following morning.

### FINDINGS

The Committee reached the following findings;

a, **He had given general instructions to his subordinates.** However, the instructions have been confined to written instructions and he had not considered it necessary to gather his officers and plan a coordinated response to the attacks;

b. His **indifferent approach,** is reflected by his failure to conduct follow-up actions regarding measures to tighten security;

c. Further, in response to the impending attack his response had only been dispatching isolated directions to his DIGs as opposed to convening a conference with the subordinates and taking stringent measures this is concerning since he is an experienced officer who had served during the war against the LTIE;'

d, After being informed of the impending attack, he had failed to inform WPIB which was under his supervision. whether the WP1B would have been able to detect the suicide cadres lodging around Colombo prior to the attacks, is beside the question as whats more prudent during a crisis is to deploy all resources to mitigate danger.

#### RECOMMENDATIONS.

The committee recommends that he should be prosecuted for negligence under suitable provisions in the penal code by the relevant authority.

### 5.6 MR B.A.E PRASANNA FORMER DIRECTOR WPIB

#### OBSERVATIONS

He served as the Director of WPIB at the time of the attack. He had received (C29B) from acting DIG Ajith Rohana regarding the planned attacks. He had convened a meeting with his officers and tendered copies of the information and instructions (C35)

#### FINDINGS

The Committee considered that although he had kept instruction classes there had been no serious impetus by him to utilize his officers to detect the suicide cadres.

#### RECOMMENDATIONS

The Committee recommends disciplinary action against him by the relevant authority.

### 5.7. MR. LALITH SHBITON PATHTNAYAKG, FORMER DIG COLOMBO RANGE

#### OBSERVATIONS

The Committee was informed that at the time of the incident, he had been the former DIG of Colombo range.

The Committee was initially informed regarding the actions taken by the witness regarding intelligence received prior to the attack

The Committee was informed that he had been on leave when his office received the instructions (C298) from WP-SDIG, Nadanda Munasinghe.

Hence it was received by the acting DIG at the time. Upon resuming duties, he had enquired what steps had been taken in respect of C29B from his Personal Assistant He has been informed that all divisions had been informed.

He had informed that **SSR Nishantha De Zoysa was the only one who had reported regarding the actions taken by him in respect of the information,**

Thereafter, regarding the impending attack, he submitted on 20th April 2019 around 6.00p.m. WP-SDIG, Nandana Munasinghe had informed that there is a danger of an impending attack on Catholic Churches,

Further, on the said date he had also been informed by the Director, SIS Nilantha Jayawardena regarding the attacks. The intelligence revealed to him that the attack could occur in the evening of 20<sup>th</sup> April 2019 or on the following day (ie. 21st April 2019), He mentioned that the information was related to churches and not hotels.

In view of the information, he had instructed the SPs attached to his three divisions (Colombo Central, Colombo South and Kalutara) to deploy security to the churches in the area and especially to the Indian High Commission.

Thereafter, he had checked on the situation only on the following morning (i.e. 21.04.2019) and been satisfied that his subordinates had taken measures to tighten security, **However, the reality was that at the time of the attack, St. Anthony's Shrine at Kotahena had no security at all, let alone tightened security.**

## **FINDINGS**

The Committee arrived at the following findings;

a, He had considered that the post of DIG is not responsible for devising measures for implementing the instructions given by WP-SDIG, Hence, it was his position that suitable actions and measures have to be taken by his subordinates;

b. In response to the impending attack, he had considered that **making calls to SSPs** under his command and again following up on the morning was sufficient while it may address any ordinary situation, however, the approach is reproachable in view of matters concerning national security; the situation required going beyond standard protocols;

c; As such the Committee finds that merely relying on the information given by his subordinates was fatal as exhibited by the absolute lack of security provided to St. Anthony's church, despite the assurances by the said official that security had been provided.

## **RECOMMENDATION**

The Committee recommends that he should be prosecuted for negligence under suitable provisions in the Penal Code by the relevant authority. Moreover, disciplinary action may be initiated against him by the relevant authority.

### **5.8. MR. SANIEEWA BANDARA, FORMER SSP COLOMBO NORTH OSERVATTONS**

He was the SSP of Colombo North Division from 03d April 2019 up until 21st April 2019.

He submitted that had not seen the instructions pertaining to the attacks (C298, C29C, C29D) and the information document by IGP (C29D).

However, he had seen these letters following the attack. Despite his version regarding not seeing the documents, he had at least on 20th April 2019 around 7.00 PM been informed by DIG, Pathinayake regarding the impending attack.

Accordingly, he had been instructed to increase the security of churches. His testimony was that he had not been alerted that the attack was going to be a bomb blast.

Furthermore, his position was that although on 8th, 9th, 16th and 17th SIDG-WP, Nandana Munasinghe, DIG, Pathinayaka, and IGP, Pujith Jayasundara has held meetings, however, he had not been alerted regarding the attacks.

#### FINDINGS

The Committee submits the following findings;

- a. The Committee is unable to agree with the officer that he did not see the information regarding the attack when his other SSPs had in fact seen the documents;
- b. Moreover, even after a telephone call by SDIG, Pathinayaka on 20th April 2019, the security had not been strengthened in the area under his supervision; Eventually, St. Anthony's church instead of increased security did not even have routine security;
- c. The Committee was also mindful of the proceedings against him at the Presidential Commission; it was observed that **subsequent to the incident he had attempted to tamper with the inward books of police stations;**
- d' The Committee finds that the actions taken by this witness to prevent the attack and/or mitigate the damage are grossly inadequate.

#### RECOMMENDATIONS

His conduct is negligent and demonstrates rash behaviour despite having knowledge of imminent attacks, which were so dangerous that they were likely to cause death or serious bodily injury. The Committee recommends that he should be indicted under suitable provisions in the Penal Code as well as Disciplinary action should be taken against him by the relevant authority.

#### 5.9. MR. R M SARATH KUMARASINGH4 ACTING OIC, FORT POLICE STATION

#### OBSERVATIONS

The Committee was informed that he had **assumed duties** at the Fort police station **only four months prior to the attack on 21st April 2019**. He had been the acting OIC at the said Police station at the time of the incident. He submitted that on 20th April 2019, he arranged an instruction class in response to C11B. Thereafter, during the evening of said date, the acting Division SP had informed him to provide security to churches and place roadblocks and conduct inspections.

Although he was alerted of the foregoing, he had only informed the duty officer that evening and retired to rest.

#### RECOMMENDATION

The Committee recommends that he should be prosecuted for negligence under suitable provisions in the Penal Code by the relevant authority. Moreover, disciplinary action may be initiated against him by the relevant authority.

#### **5.10. MR. MAHINDA SAGARA WELEGODA LIYANAGE OIC, FORT POLICE**

##### **OBSERVATIONS**

The Committee was informed that he was the OIC of Fort Police Station from 2017 onwards. He had duly received the instructions dispatched by WP-SDIG Nandana Munasinghe. Further, he had participated in a meeting held by SSP, Upali Jayasinghe 6th April 2019 where he had been alerted regarding the threat as well as seen a photograph of Zahran.

Despite the awareness, he had not taken steps to inform the intelligence officers attached to his police station. Furthermore, on 19th April 2019 he had gone on leave.

##### **FINDINGS**

The committee considered that admittedly he had not been aware of the impending attack. However, he was sufficiently informed regarding a possible threat in the preceding period. Despite this, he had decided to opt for leave.

#### RECOMMENDATION

The Committee recommends to initiate disciplinary action against him by the relevant authority.

#### **5.1.1. MR. T M W DESHABANDU THENNAKON, FORMER DIG. COLOMBO NORTH**

##### **OBSERVATION**

The Committee observed that he was the DIG Colombo North at the time of the attack. He had received the instruction from WP-SDIG, Nandana Munasinghe with initial information regarding the attack (CS).

He had made a cover letter marked C36 with C8 and dispatched it to SSP Chandana Athukorale and ASP Sisila Kurnara on 12<sup>th</sup> April 2019.

Afterwards, the officer had thought it fit to apply for leave from the 19<sup>th</sup> to the 21st April 2019.

**However, prior to going on leave, he had not followed up with his subordinates regarding his instructions.**

##### **FINDINGS**

The Committee reached the following findings;

a. The suicide cadre who attacked the Church at Katuwapitiya took a temporary abode near the church. In view of being alerted regarding the attack, as a superior officer, he should have taken steps to ensure tighter security in the area under his control; Dispatching instructions

doesn't provide a valid basis for a superior to be satisfied that actions are in fact being taken by his subordinates; hence, he should have been mindful to monitor the situation;

b. The decision to go on leave despite the absence of an assurance that security is tightened in his area demonstrates a lack of disregard to the intelligence.

### **RECOMMENDATION**

The Committee recommends to initiate disciplinary conduct against him by the relevant authority

### **5.12 MR. CHANDANA ATHUKORAIA' SSP NEGOMBO DIVISION**

#### **OBSERVATIONS**

The committee observes that he had served in the Negombo from 13<sup>th</sup> December 2017 until 20<sup>th</sup> June 2019. in view of C26A prepared by DIGWP, Deshabandu Tennakoon, he had prepared C27A and disseminated it to all the ASPs, OICs, and Intelligence officers under his division.

Furthermore, he had advised his subordinates to investigate and be on alert without causing distress to the Catholic Priests. His position was that had the information been false, then the rebuke and damage to police shall be immense.

He submitted that **he was unaware of the Katuwapitiya church although it was in his jurisdiction.**

He had not called for special reports from his subordinates and as a matter of routine spoken to his officers when they called to give him the situation report every morning.

Further, he submitted that SDIG-WP, Nandana Munasinghe, contacted him on 20<sup>th</sup> April 2019 around 0730p.m. and informed him that there could be an attack in the area.

#### **FINDINGS**

The Committee considered as follows;

a' Although he had disseminated information to his subordinates, however, there had been no special measures considered by him, especially in view of the demographics in the area;

b. The information had been disseminated as a matter of routine and discussions with his subordinates didn't reflect any gravity to the information;

c' In response to the impending attack, he had not taken any special measures to tighten the security in the area and simply considered that the onus was on the orcs to devise suitable measures.

#### **RECOMMENDATIONS**

His conduct is negligent and demonstrates rash behaviour despite having knowledge of imminent attacks, which were so dangerous that they were likely to cause death or serious bodily injury. Hence, it is recommended to indict him under suitable provisions in the penal code by the relevant authority.

### **5,13. MR. B H S S SISILA KUMAR& FORMER ASP KATANA**

## **OBSERVATIONS**

The committee observed that he had functioned as an ASP in charge of Katana, Divulapitiya, Kotadeniyawa at the time of the attacks. on or around 13th April 2019, he had read the instructions by WP-SDIG, Nandana Munasinghe regarding the planned attacks. Thereafter, he had gone on leave and returned on the 18th or the 19<sup>th</sup> April 2019. When he had made routine visits to Katana Police station he had noticed the instructions forwarded to Katana station laying idle at the OICs table.

## **FINDINGS**

The Committee observed he had received sufficient instructions to increase the strength of security around churches. Though he had sufficient personnel to be deployed for the protection of the churches, he had failed to take any action on strengthening protection,

## **RECOMIMENDATIONS**

The committee recommends prosecuting the witness under the relevant provisions of the penal code by the relevant authority for negligence and subjecting him to disciplinary action concerning the discharge of his duties.

### **5.14, MR. KOSALA CHAMINDA. OIC KATANA**

## **OBSERVATIONS**

He had been the OIC at the time of the incident attached to Katana police station' His police station had been assigned five intelligence officers. He had been aware that there had been **around thirteen churches in the area**. He **submitted that on or around 13th April 20'9, he had received the instructions** regarding the planned attacks {C26 and C27), He had requested the intelligence officers attached to his station to report back to him regarding the intelligence' Thereafter he had taken measures to hold an instruction class on 20th April 2019. On 20th April 2019, the SSP at the time Chandana Athukorara had instructed him to increase security in the area.

## **FINDINGS**

The Committee arrived at following findings;

- a. The officer had failed to exercise due care over the information he had received regarding the planned attack;
- b. when being asked to increase security on 20<sup>th</sup> April 2019, he had failed to assess the instructions in relation to the impending attack;
- c' He had accordingly totally failed to take any reasonable steps to increase security in the area.

## **RECQMMENDATION**

His conduct is 'negligent and demonstrates rash behaviour despite having knowledge of imminent attacks, which were so dangerous that they were likely to cause death or serious bodily injury.

Hence, it is recommended to indict him under suitable provisions in the penal code by the relevant authority.

#### **5.15. MR. D W R B SENEVIRATNE, FORMER SDIG, CID**

##### OBSERVATIONS

The Committee observed that he functioned as the SDIG, CID at the time of the incident.

**The post of SDIG, CID is the head of CID.**

The Committee observed that this witness had been aware regarding the conduct of Zahran and NTJ as he had initiated following investigations;

- Killing of two police officers in Vavunathivu on 30th November 2018;
- The clash between two religious factions on 10<sup>th</sup> February 2013 at Aiiar Junction, Kattankudy, Batticaloa;
- The destruction of sacred Buddhist Statues at Mawanella during the period from 23<sup>rd</sup> to 26<sup>th</sup> December 2018;
- Recovery of explosives from Vanathavilluwa on 16th January 2019;
- The explosion was conducted as a dry run at Palmunai, Kattankudy on 16<sup>th</sup> January 2019,

The Committee observed that this was the background in which he was notified regarding the pending attack by Zahran as described below.

The SIS, Director, Nilantha Jayawardena, had sent his briefing to the IGP regarding the initial information pertaining to the attack (C12A) to his office as well.

Upon returning from overseas, he had seen the letter on 16th April 2019.

Thereafter, only on 19th April 2019, he had directed his immediate subordinate DIG-CID, to report back before 1<sup>st</sup> May 2019.

The Committee observed that DIG-CID had only received the said letter bearing the directions on 22<sup>nd</sup> April 2019 after the explosions.

Regarding the impending attack, **he admitted that on 20th April 2019 at 17.47 hours he received a WhatsApp message from the Director, SIS, Nilantha Jayawardena (C15).**

**Further, he had received a call from the said Director where he was informed that the IGP was not paying much attention to the intelligence,**

Subsequently, he had called the IGP and SDIG'WB Nandana Munasinghe.

**Further, on 21st April 2019, at 8.27 am, Director, SIS had sent a WhatsApp message (C17) detailing the impending attack. Shortly afterwards the explosions occurred.**

## **FINDINGS**

The Committee finds that

a. He had been aware regarding Zahran and his associates and that the CID had been in search of him for arrest

b. In this background, despite the information they were unable to arrest and discover the associates of NTJ prior to the explosions; Further, he was late to distribute the information C12A to his immediate subordinates to take action;

c. **Being the premier investigative arm of the Police with powers across the Island, and despite personally being aware of the conduct of Zahran,NTJ and even after being informed of preparations regarding the attack, the CID was unable to discharge their duties effectively to prevent the attacks;**

d. Although the CID is unable to mitigate the immediate attack, however, the failure to arrest NTJ associates culminated in the eventual attack.

## **RECOMMENDATIONS**

**The Committee recommends that he should be prosecuted for negligence under suitable provisions in the Penal Code by the relevant authority.**

### **5.16. MR. M. LATHEEF FORMER STF COMMANDER**

#### **OBSERVATIONS**

He had been the STF, Commander at the time of the attacks.

As per the testimony of the IGP, the committee observed that the IGP had disseminated information received. by the Director, SIS to him as well.

The committee considered that it was necessary to hear his testimony as he was considered a relevant authority to whom the intelligence had been disseminated, which is part of the first Mandate the committee is required to inquire.

However, although the **committee summoned him to give evidence, he refused to attend.**

The Committee was informed by its secretary that he was given three opportunities to visit, as well as was given the opportunity to attend via WebEx; all of which were refused.

The committee also places on record that it is not vested with powers to compel a witness to come.

As he did not attend, and as the Committee was authorized to refer to the report of the presidential commission, the Committee decided to refer to the statements he had given and the findings of the Commission.

Accordingly, the committee observed as follows.

The committee understood that the STF exerts significant control over the Eastern province and is armed with an advanced intelligence unit, However, he had not been aware of extremist activities developing in the area.

Further, in respect to the IGP's dissemination of the SIS Directors intelligence regarding the planned attacks, he had provided security to the Indian Embassy.

#### **FINDINGS**

The committee found that since he deployed security to the Indian Embassy, he could have provided security at least to prominent churches.

**Further, he had been unable to detect the extremism developing in the country.**

#### **RECOMMENDATION**

The committee recommends to initiate criminal proceedings against him by the relevant authority in view of his negligence in averting the attacks.

### **5.17. FORMER PRESIDENT MAITHRIPALA SIRISENA**

#### **OBSERVATIONS**

The Committee was mindful that its first Mandate is limited in its scope to ascertain the adequacy of actions taken by the CNI, SIS and other relevant authorities.

As set in Chapter 2, the Committee identified „other relevant authorities" as entities to whom the **initial information on 04th April 2019**, from India. intelligence regarding the attacks (C8) up until the impending attack on 20th and 21st April had been disseminated.

The Committee observed that the aforesaid intelligence had not reached President, Maithripala Sirisena.

As such the Committee decided that it was beyond their mandate to consider culpability regarding his conduct.

However, the Committee is mindful that his actions overall had contributed to the deterioration of the security in the Country as reflected in the most irregular happening of the NSC.

Hence, the intelligence agencies were restricted from having the opportunity of getting suitable directions from the President who is constitutionally recognized as the Commander-in chief of armed forces and the Minister in charge of the subject of Defence,

### **5.18 FORMER PRIME MINISTER, RANIL WICKREMESINGHE,**

#### **OBSERVATION**

The role of the prime minister was also considered. collaboration with the president would have been adhering strictly to the demarcation of duties. In matters of security, desirable, rather than

#### **5.19. INITIATING CRIMINAL PROSECUTION**

The Committee submits that it has recommended several of the officials described above for criminal prosecution.

The committee is of the view that the officials should be indicted for their negligence'

The committee views that this is the most suitable manner to exact retribution for their conduct.

Further, criminal prosecution shall set a precedent which shall be a deterrent against willfully negligent conduct by officials succeeding to significant posts which are essential for the protection of national security.

The Committee also submits that the efficacy of prosecution is also dependent on the expeditious presentation of indictments and the conclusion of trials.

This celerity is of utmost importance to provide vindication to the victims and to attain retributive justice'

The committee submits that multiple committees had been instituted as well as a comprehensive investigation had already been conducted by the Presidential Commission.

This committee had not been in variance with the Presidential commission. Hence, the Committee recommends to expeditiously proceed with relevant criminal prosecutions.

#### **5.20. REQUIREMENT TO HAVE AN INTELTIGENCE POLICY**

The L971 insurrection threatening to drag the country to anarchy, was thwarted by the Sri Lanka Police and Army, on the backing of information given by a local informant'

The agencies sprang to action by alerting all local police stations with relatively primitive communications systems in contrast to the present instantaneous and integrated systems available to the authorities.

It is reasonable to assume that prompt responses to vital intelligence have been the cornerstone in numerous instances, both recorded and unrecorded, of dismantling threats and potential threats in the history of this country, including the defeat of the LTTE.

Therefore, intelligence is undeniably a crucial pillar for the security of a country.

The catastrophic attack on 2Lst April2019, serves as a stark reminder of the critical importance of prioritizing intelligence and not taking it rightly.

In this regard, the Committee observed that the failure on the part of the state to prevent the attack extends to the absence of a structure which provides an accountable and clear method of disseminating intelligence to the relevant authority to take action, in a manner that ensures compliance.

**The Committee observed that the DMI and SIS had identified extremism as a threat and given it special focus.**

**Despite the numerous reports, the police failed to act on the intelligence.**

**The lack of cohesion between the authorities was evident in the way how the CNI at the time was not certain regarding his core and duty at the time.**

The post of CNI is a vital organ of the state which connects the intelligence agencies together and ensures that the web of intelligence is spread across the country as well as has the capacity to monitor the progress of acting on intelligence,

**The Committee is pleased regarding the outstanding services of the incumbent CNI Major General, leewaka Ruwnn Kulathunga** for setting up a much-needed structure to ensure that intelligence is effectively disseminated with clear directives to the agencies responsible for acting on it.

The incumbent CNI, had revamped the office of the chief of National Intelligence (OCNI) remarkably and self-imposed a ToR which clearly defines the role of the CNI'

Accordingly, it is observed that the position of CNI is envisaged to take on a leadership role within the intelligence community when coordinating the intelligence between all intelligence agencies.

Further, the CNI is accountable as the coordinator of the weekly Intelligence Review Meeting presided by the secretary, MoD.

Further, the CNI acts as the secretary to the NSC.

Pending the promulgation of an appropriate Intelligence Act, the incumbent CNI had devised a comprehensive process to facilitate the dissemination of information and intelligence to prevent threats to national security.

Accordingly, routinely on a specific day of the week, the security and Intelligence Analysis Meeting occurs, where the secretary of the MoD is briefed regarding matters of national security.

The CNI is required to decide upon the information/intelligence to be shared with the NSC' and brief the NSC regarding emerging threats from internal and external developments to national security and thereby seek further directives/instructions for further tasking from the NSC.

The framework and functions are elaborated in the comprehensive standard operation procedures (SOP) developed by the CNI addressing the aforesaid process.

The foregoing structure regarding the dissemination of intelligence should be given formal recognition.

The country requires a policy on intelligence to ensure consistency and a foundation to develop.

The CNI should not be any other intelligence-gathering service as the DMI, SSS, and other agencies are proficient in that area, what the intelligence community requires is an administrative body which facilitates the passing of intelligence as presently practiced by the incumbent CNI, Major General, Jeevaka Ruwan Kulathunga.

In respect of the above, the Committee was informed that draft legislation is pending pertaining to the enactment of an Intelligence Act.

The Committee recommends expeditious enactment of such legislation. Sri Lanka is a resilient nation. Her modern history demonstrates the ability to withstand a brutal war, several insurrections, and a revolution without descending into anarchy. Transitioning from a post-war phase requires a new approach to security, with a structured and measured focus on intelligence as a critical pillar of its armoury