

Trial Monitoring report

About the case: Former President Mr. Sirisena had filed the writ application before the Court calling for the suspension of a private plaint lodged against him filed before the Fort Magistrate's Court over the Easter Sunday attacks.

Case no: Writ 354/22

Courts: Court of Appeal (No:303)

Date of hearing: 14/10/2022

Author (s) of report: Manushika Cooray, AAL

1. Who was in courts:

| Who | Names / other information | Comments |
|--|---|----------|
| Judge (s) | Mr. Sobitha Rajakaruna (J) Mr. Dhammika Ganepola (J) | |
| Attorney General's Dept. | Additional Solicitor General Mr. Rohantha Abeysuriya | |
| Police (CID / TID etc.) /Petitioner | Mr. Pallewaththa Gamaralalage Maithreepala Yapa Sirisena (Accused – Petitioner) | |
| Accused / Suspects/Respondent | 1. Honorable Magistrate, Fort Magistrate's Court (Respondent) 2. The Registrar, Fort Magistrate's Court (Respondent) 3. Rev.Cyril Gamini Fernando (Complainant – Respondents) 4. Jesuraj Ganeshan (Complainant – Respondents) 5. Centre for Society and Religion (Intervening Respondent) | |
| Lawyers for accused / suspects | 1.For 3 rd Respondent – Mr.Rienzie Arsekularathna PC (AAL) with Mr Thilina Punchihewa and others 2.For 4 th Respondent – Mr.Riad Ameen (AAL) | |

| | | |
|---|--|--|
| | 3. Intervening Respondent – Manushika Cooray (AAL) appeared under instructions of Mr. Suren D. Perera (AAL) | |
| Aggrieved party | - | |
| Lawyers for aggrieved party | - | |
| Supporters of accused / suspects | - | |
| Supporters of aggrieved party | - | |
| Others | Journalists | |

2. What happened in the court hearing?

- On this day an order was issued by the Court of Appeal. (Certain parts of the relevant order were read out by the judge)
- In this order, the fundamental rights cases filed in the Supreme Court regarding the Easter attack were also mentioned.
- The Court of Appeal directed the Fort Magistrate not to issue prejudicial orders against the petitioner Mr. Maithreepala Sirisena within the 10 weeks' period from on this day (14th).
- The interim injunction sought by Mr. Sirisena to quash the summons issued by the Fort Magistrate's Court was not issued.
- Several legal arguments have emerged before the court that need to be resolved.
- The Court of Appeal Judges asked the parties to file written submissions in this case on or before 30th of November 2022.
- Former President Maithripala Sirisena was also present at the court when the order was given by the Court of Appeal.

3. Any significant observations inside court room and outside? -

4. Next date & time: 6th of December 2022

5. Media reports about the case on this date:

- <https://easterattack.info/2022-10-14-%e0%b6%b8%e0%b7%9b%e0%b6%ad%e0%b7%8a%e0%b6%bb%e0%b7%92%e0%b6%b4%e0%b7%8f%e0%b6%bd%e0%b7%80-%e0%b6%b4%e0%b7%8f%e0%b7%83%e0%b7%8a%e0%b6%9a%e0%b7%94-%e0%b6%b4%e0%b7%8a/>
- http://www.colombopage.com/archive_22B/Oct14_1665731953CH.php
- <https://www.ft.lk/news/Easter-Attacks-CoA-directs-Fort-Magistrate-to-defer-proceedings-against-ex-President-Sirisena/56-740977>
- <http://www.adaderana.lk/news/85525/easter-attacks-court-announces-decision-on-maithripalas-writ>
- https://youtu.be/-sg_xEO4PIU

- <https://mawrataneews.lk/news/ca-says-no-action-on-sirisenss-case-for-10-weeks/>
- <https://island.lk/proceedings-of-case-against-maithripala-deferred/>
- <https://www.newsfirst.lk/2022/10/14/ca-tells-mc-not-to-act-on-sirisena-s-case-for-10-weeks/>
- <https://www.newsfirst.lk/sinhala/2022/10/14/%E0%B7%84%E0%B7%92%E0%B6%A7%E0%B6%B4%E0%B7%94-%E0%B6%A2%E0%B6%B1%E0%B6%B4%E0%B6%AD%E0%B7%92-%E0%B6%B8%E0%B7%9B%E0%B6%AD%E0%B7%8A%E2%80%8D%E0%B6%BB%E0%B7%93%E0%B6%B4/>