

# Years

# Since Easter Sunday Attacks: Still awaiting justice

### 'Political, Socio-Cultural, Economic and Legal Perspectives'

Centre for Society and Religion Research Group





### **Executive Summary**

The Easter Sunday attacks, which took place on the 21st of April 2019, targeted three Christian churches, three luxury hotels, a guest house and a residence<sup>1</sup> and can be identified as the most brutal post-war massacre that took place in the country. Hundreds of innocent worshippers who were on their knees before God and others enjoying their Easter breakfast were brutally killed and many were left with deadly injuries, both physical and emotional. Numerically, it took away the lives of around 315 people and injured around 600 people<sup>2</sup>. Amongst them were 45 children and 40 foreigners from different parts of the world which awakened an international interest in the tragedy. Many victims of the attack are still undergoing treatment and surgery and require counseling services for Post Traumatic Stress Disorder (PTSD) they are facing as a result of this horrific experience. The darkness of the Easter attack massacre will never be erased from the history of Sri Lanka. Victims who have lost their loved ones are still mourning their immeasurable loss while demanding justice. As of 21stApril 2024, it is 5 years since the attacks took place. Justice still has not been served and all those who have been affected are still seeking closure.

The day after the attacks, the Sri Lankan authorities said they believed that an Islamist group known as the National Thowheed Jamath (NTJ), led by Zahran Hashim was to blame for the attacks<sup>3</sup>. Later on in the week, President Maithripala Sirisena stated that NTJ was believed to have been the main group behind the attacks and banned the NTJ as well as the Jamathei Millathu Ibrahim (JMI) for their involvement in the attacks<sup>4</sup>. However, an aspect that cannot be ignored when discussing those behind the attacks is how the Easter attacks was due to a massive security failure by the Sri Lankan state<sup>5</sup>. Many, including the Catholic Church and the Human Rights community, believe that the truth behind the bombings is being covered up<sup>6</sup>. Facts emerged that intelligence units knew for a long time of the extremist groups and had received prior information about the possibility of an attack on churches<sup>7</sup> that even high-ranking officials knew about8 it ,and unexplained links between military intelligence units and some other suspects were also revealed<sup>9</sup>. The ignored warnings of the attacks, how the attacks were carried out in an unobstructed manner, and the Government's laid-back approach to meting out justice raise questions as to who the real masterminds behind the attacks are. The recently aired Channel 04 documentary highlights the relevance of a high-ranking officer and his relationship with the Rajapaksa regime. However, the facts presented





require further investigation<sup>10</sup>. Another factor which possibly paved the way for the attacks is the political instability of the country which prevailed at the time. The poor relationship which existed between President Maithripala Sirisena and Prime Minister Ranil Wickremasinghe after the failure of the constitutional coup weakened the national security apparatus and possibly led to illegitimate motives<sup>11</sup>. While the perpetrators of the crime still enjoy freedom, the victims, survivors and their loved ones are even now standing still with their lives shattered. Attempts are currently being made to collaborate with reliable international organizations to help in the process of investigating the truth behind the attacks.

In the phase of seeking justice on behalf of the victims of the Easter attacks, the Government made many arrests connected to the two Islamist groups but former defense secretary Hemasiri Fernando and former Inspector General of Police Pujitha Jayasundara are the only government officials that were arrested for criminal negligence and both were acquitted by Courts. Victims and survivors of the attack are also being financially compensated. Compensation from FR-related cases is currently being disbursed by the Office for Reparations to help families who have lost loved ones and also injured persons.<sup>12</sup> However, we note that the compensation ordered is relatively low compared to previous compensation awarded by the Supreme Court to victims of torture, considering the seriousness of the crimes, and the large number of survivors, victims' families, and affected communities. Apart from that, many non-governmental organizations are playing an active role in the process of reparation helping victims with their medical needs and to reach economic stability. Additionally, there are many court cases that have been filed in relation to the Easter attacks. Although there are around 35 cases, most cases are still in the initial stages of trial<sup>13</sup>. There are 12 main cases that are being closely monitored by the Centre for Society and Religion that are discussed in this report.



Case No. and Court	Summary	Previous Date	Next Date
HC (TAB)2972/21 Colombo High Court	Main Criminal Case against 25accused.This case was filed on 23,270 charges,including conspiracy to execute theEaster Sunday terrorist attacks andaiding and abetting the same.Currently, the case is in the initialstages of trial.	March 27th and 28th 2024-	30th April 2024 2nd May 2024
HC (TAB)2900/21 HC (TAB)2899/21 Colombo High Court	Cases against former IGP and Defense Secretary for failing to prevent the Easter attacksPujith Jayasundara, the former Inspector General of Police, and Hemasiri Fernando, the former Defense Secretary, were indicted for the failure to prevent the Easter terror attacks and the neglect of duties. The Colombo High Court Trial-at-Bar unanimously made the order for them to be acquitted without calling for their defense. The case was appealed before the Supreme Court and currently, the judgment is pending.		-
12 Fundamental Rights hearings related to the Easter attacks Supreme Court	There were 12 Fundamental Rights cases filed against people who failed to prevent the Easter Sunday bomb attacks. The Supreme Court ruled that the respondents named in the FR petitions failed to prevent the Easter Sunday attacks, despite having credible information of an imminent attack and thereby had violated the Fundamental Rights of the petitioners. The actions taken by the Government to comply with the judgement can be found on reparations.gov.lk		15th July 2024

HC78/2021 Puttalam High Court	<u>The Case against Hejaaz</u> <u>Hizbullah and Others</u>		
	This case is against the lawyer Hejaaz Hizbullah for his al- leged connection to the Save the Pearls Charity who had ties to one of the Easter attack bombers. Currently, the trial is ongoing. However, the evi- dence is weak against Hejaaz.		17th May 2024
23084/22	Private plaint against Mai-		
Fort Magistrate Court	thripala Sirisena The accusation was regard- ing the Penal Code offence of causing death by negligence and/or causing grievous hurt. It is currently on hold until the order of the writ case	17th March 2023	-
Writ 354/22	Filed by former President		
Court of Appeal	Maithripala Sirisena This is alleging that the order made by the Magistrate's Court issuing summons on him requiring him to be present before the Fort Magistrate's Court on the 14th of October 2022 is illegal, void, and has no effect in law. <i>Currently, this</i> <i>is fixed as a mention matter for</i> <i>the next date.</i>	07 <sup>th</sup> February 2024	14 <sup>th</sup> May 2024

TA D 4495/21		r	
TAB4485/21	The Mawanella Buddha Statue Vandal-		
Kegalle High Court	ism Case		
	This case was filed under the Prevention of Terrorism Act (PTA) against 16 accused. All the accused pleaded guilty after reducing the charges from PTA to offences under the penal code. The person behind the vandalism was later discovered to be Zahran Hashim, a suicide bomber in the Easter attacks. The case was concluded on the 18th of January 2023 and the accused got suspended sentences.	18 <sup>th</sup> January 2023	Case concluded
Puttalam/TAB 107/2021	Vanathavilluwa Training Camp and		2024 28 <sup>th</sup> &
Puttalam High Court	Explosives Case		29 <sup>th</sup> May, 25 <sup>th</sup> ,
		$30^{th}$ and $31^{st}$	26 <sup>th</sup> & 27 <sup>th</sup> June
	This case is regarding a training camp and	January	and 16 <sup>th</sup> ,17 <sup>th</sup> &
	explosives discovered in Vanathavilluwa		18 <sup>th</sup> July.
	relatingto the Easter attacks. Currently, further inquiry to check whether the		
	confession is given voluntary or under		
	duress (voir dire inquiry) is taking place.		
HC 148/2021	The Case against Ahnaf Jeseem		
Puttalam High Court	This case was filed against a young poet, Ahnaf Jeseem, under the Prevention of Terrorism Act (PTA). Currently, Ahnaf received bail after being detained for 19 months and was acquitted after 43 months after arrest due to a lack of evidence and the case has concluded.	12 <sup>th</sup> December	Case concluded

16235/MR Negombo District Court	<b>Civil Cases</b> The case for recovering the damages that happened due to the Easter attacks. Currently, it is in the pre-trial stage.	02 <sup>nd</sup> February 2024	28 <sup>th</sup> June 2024
Writ 143/24 Court of Appeal	Filed by Centre for Society and Religion (CSR), its direc- tor and a victim. This is seeking Mandamus writs directing IGP and AG to initiate criminal investigations and proceedings against Senior Deputy Inspector General of Police Nilantha Jayawardena. Currently, this matter is refixed for support on the 28th of May	27 <sup>th</sup> March 2024	28 <sup>th</sup> May 2024
CA RTI/11/2023 Court of Appeal	2024 <b><u>RTI case against the Ministry</u> <u>of Public Security</u> The initial Right to Information (RTI) request was filed by CSR requesting information about disciplinary actions taken against certain police officers including the present Inspector General of Police for their omissions concerning the Easter Attacks. Currently, this matter is before the Court of Appeal for the respondent to come to court.</b>		14 <sup>th</sup> June 2024

\*The detailed table is available in the following report: Centre for Society and Religion. "The Highlights of 11 Main Easter Attacks Court Cases (1st January 2021- 21st June 2023)." Centre for Society and Religion, 21st June 2023. https://easterattack.info/csr-reports/.

This report gives an overview of the Easter attacks; stating the political context, providing insight into a sample of the victims, discussing the socio-cultural and economic consequences, presenting the progress of the legal advocacy regarding the Easter attacks, and analyzing how justice has not been carried out.

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### Background

The Easter attack bombing which took place on the 21st of April 2019 targeted three churches in Negombo, Batticaloa and Colombo, during the Easter Sunday morning service, and the dining halls of three luxury hotels; Shangri-La, Cinnamon Grand, and Kingsbury during breakfast<sup>14</sup>.

In all, the eight sites of explosions were<sup>15</sup> :

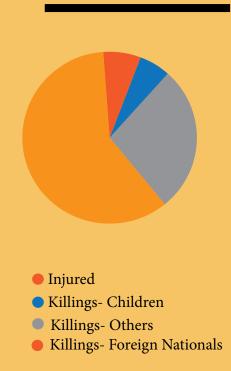
- St. Anthony's Shrine, Colombo
- St. Sebastian's Church, Negombo
- Zion Church, Batticaloa
- Cinnamon Grand Hotel, Colombo
- Shangri-La Hotel, Colombo
- The Kingsbury Hotel, Colombo
- Near Dehiwala Zoo in Dehiwala-Mount Lavinia
- A house in Mahawila Gardens, Dematagoda



Source- CNN, 'Bombs tear through Sri Lankan Churches and hotels killing 250 people', < https://edition.cnn.com/2019/04/21/asia/sri-lanka-explosions/index.html > Accessed 16th December 2023.

The first attack came around at about 08:45 AM on Easter Sunday morning and within a span of 20 minutes, there were six near-simultaneous explosions at the hotels and churches across the country. Five hours after the initial attacks, the seventh explosion was<sup>16</sup> recorded near the zoo in Dehiwala, a suburb of Colombo and half an hour later the eighth explosion in Dematagoda, located within Colombo city limits, during a police raid, killing three officers<sup>17</sup>. The suicide bombing was carried out by Islamic extremists, all followers of ISIS ideology<sup>18</sup>. 315 people were killed, including at least 45 children and 40 foreign nationals. Over 400 were reported injured<sup>19</sup>. The foreigners killed included at least twelve Indians, eight British citizens, four Chinese citizens, and others from Spain, Turkey, Portugal, Saudi Arabia, USA, Japan, Switzerland, Netherlands and Australia<sup>20</sup>. Out of the 21.8 million population of Sri Lanka<sup>21</sup>, only 7.4% are Christians<sup>22</sup>, who were the targeted demographic group of the bombing attacks.

#### Victims of Easter Attack Bombings



The week following, the police discovered two other bombs and around 80 low-explosive detonators. The police also raided the suspected mastermind, Zahran Hashim's relatives' house in the Eastern town of Sainthamaruthu. The raid resulted in a shootout between the troops and suspected Islamist militants which resulted in the death of 15 people, including six children, and the discovery of bomb-making materials and thousands of metal balls in a house in the same area<sup>23</sup>. According to Military Spokesman Sumith Atapattu, when troops headed towards the home, three explosions were triggered and gunfire began, so the troops retaliated and raided the safe-house where the large cache of explosives had been stored<sup>24</sup>.





### Political Context: Chaos

The political instability of the country could have created the best field for this horrendous attack led by extremist groups.

The Easter attacks happened during the rule of President Maithripala Sirisena under the slogan of good governance ('Yahapalanaya'). Mr. Wickremasinghe was the prime minister at the time of the occurrence of the incident. The political background by and before the time of the tragedy was highly volatile<sup>25</sup>. The best proof of this was the appointment of Mr. Mahinda Rajapakse as the prime minister by a constitutional coup subsequently defeated in courts, creating a very unpredictable and volatile political situation in the country. It is important to understand the agenda behind the constitutional coup and how it led to political instability in the country.

"There were three dramatic announcements on the evening of Friday 26th October 2018 from the Presidential Secretariat, which occurred in the following order: (a) the announcement of the withdrawal of the UPFA from the government; (b) the swearing-in of Mahinda Rajapaksa before President Maithripala Sirisena as the Prime Minister; and (c) the announcement that the President has informed Ranil Wickremesinghe in writing that he has been removed from the office of Prime Minister under Article 42(4)<sup>26</sup>."

The entire event had been planned in complete secrecy, with no consultation of the parliament<sup>27</sup> and had taken the country by total surprise leaving some complicated questions about the motives behind it. Thus, the whole series of events created a constitutional crisis in the country.

After the enactment of the 19th Amendment in 2015, the Prime Minister can only cease to hold office on account of death, resignation, or by ceasing to be a member of Parliament, or if the government as a whole has lost the confidence of the Parliament by a defeat on the throne speech, the budget or a vote of no-confidence (Articles 46(2) and 48)<sup>28</sup>.

Thousands of people, including scholars, professionals and civilians, opposed the constitutional coup and finally Mr. Wickremasinghe got back to his position as the prime minister.

<sup>(A</sup> poster held by a middle-aged woman captured the mood well: "I am not here for Ranil. I am here for democracy and good governance."<sup>29</sup>

With this series of negative events taking place, the relationship and the coordination between the president and the prime minister was impacted and this can be considered as one factor which led to the dilution of the law and order situation in the country.

As a result of the Easter attacks, an alarming situation was created among the general public with the feeling that they were unsafe and needed a leader to protect them from further harm. Gotabaya Rajapaksa, the former wartime Secretary of Defence, announced on the 26th of April, only 5 days after the devastating attacks, that he would run for president, promising to stop the spread of Islamist extremism and 'dismantle the networks<sup>30</sup>'. The entire presidential campaign of the Rajapaksa regime in 2019 was based on this ideology as he blamed the then Government for prioritizing ethnic reconciliation and individual freedom instead of national security<sup>31</sup>. On this campaign promise, Gotabaya Rajapakshe came to power as the executive president in November 2019<sup>32</sup>.

Victims and Survivors: Lives Lost, Futures Robbed



The Easter attacks took the lives of many victims of various ages, nationalities and economic situations. Because the targeted places were popular for gatherings on Easter Sunday, due to family holidays and religious significance, this tragic situation resulted in widespread mourning and the devastating loss of loved ones. Many children attending Church services<sup>33</sup>, tourists, including the children of the high-profile Danish Billionaire and CEO of 'Bestseller,' Anders Holch Povlsen,<sup>34</sup> entire families, even a family of five, and seven members of JDS (an Indian political party) who were on holiday are a examples of those who died in this attack<sup>35</sup>. However, despite the many articles and media coverage that various groups of victims and survivors have received, a forgotten community that has been greatly affected by the Easter attacks are the people from the Malaiyaha Tamil community of Sri Lanka.

The Malaiyaha Tamils or the tea plantation<sup>36</sup> community, located in the central highlands of the island, are no strangers to being under-represented and not heard in society. Although it's been two hundred years since women and men were brought from Southern India by the British colonial rulers to work in the hill country plantations, their quality of life and current status hasn't witnessed much improvement. The struggle and lack of equality and recognition that began during colonialism as part of slavery has continued and still affects the lives of this community today. Currently, the Malaiyaha Tamils suffer social discrimination based on caste, class, labour segmentation, and ethnicity<sup>37</sup>, are not afforded equal rights, are less likely to be hired for jobs and are paid lower wages, and politically marginalized as they have little representation in the government<sup>38</sup>. Additionally, even though Sri Lanka is the world's second-largest exporter of tea, its landless tea workers (mostly Malaiyaha community) are the poorest in the country<sup>39</sup>. The World Bank observed that more than half of the tea estate workers were living below the poverty line of USD 3.65 a day.<sup>40</sup>

"Apply any yardstick- per capita income, living conditions, longevity of life, educational attainments and status of women- they are at the bottom of the ladder."<sup>41</sup>

It is in these conditions of social discrimination and being one of the most marginalized communities, economic problems, hardships of being politically recognized and uncertainty of citizenship and recognized rights, a sizeable number was affected by the Easter Sunday attacks.

Although the central regions of the county were not attacked, many of them were employed in or visiting Colombo, and attending the service at St. Anthony's Catholic church. Due to the devastating bombing, many have lost loved ones, some of whom were financial contributors to the family. In addition to the emotional loss, this has also caused a great need as the financial burden has unprecedentedly increased for many families in this community. The social action arm of the Archdiocese of Colombo, Seth Sarana, offered houses for those affected by the attacks. However, as these houses were in Colombo, some of them had to leave the life they were used to and the jobs they had to relocate and re-start anew. Some of the survivors had to leave their family members, including young children as they couldn't disturb their schooling and as it would be too expensive to provide for others in Colombo.

Vathany,\* lost her husband who was the sole breadwinner due to the attacks. At the time of the tragedy, she was an unemployed widow with a three-year-old child. Without a stable source of income, she had to take the burden of providing for the entire family with five members including her in-laws. She also got a new house in Colombo so her child is now being taken care of by her in-laws while she sends them money through her job in Colombo.

There are also parents suffering from psychiatric illnesses due to the traumatic loss of their children, and they are unable to obtain the necessary medical assistance due to their financial situation and having to prioritise paying for needs such as food, electricity and education for their children.

John,\* a daily wager and sole breadwinner for his family of 6, lost his daughter (5-year-old). His wife is currently suffering from bipolar disorder due to the unexpected death of their eldest daughter. Due to this, he is unable to go to work leaving his children alone, resulting in them unable to afford basics such as accommodation.

Some survivors in this community are struggling because of the cost of medical expenses and coping with the impact this injury has had on their work and future.

Akash's\*'hearing was affected by the attacks. Doctors advised him to undergo surgery but because it cost 3 lakhs and he would be ordered to rest for 3 months, preventing him from earning a monthly salary which would impact his entire family, he postponed it. Fortunately, the surgery was conducted free of charge and through the assistance of funders, Akash was able to support himself, but there still seem to be problems and doctors have ordered another surgery. He still is in slight pain and is facing difficulty hearing and understanding customers clearly. Due to these difficulties, he left the job and is now unemployed.

These are just a few stories of the many innocent lives that have been affected by the Easter attack massacre. An impact that is vast and permanent as lives have been lost and futures have been marred. Currently, most of them are struggling in order to rebuild their lives after this most painful nightmare while trying to cope with the economic crisis and financial struggles faced by the entire country, but in particular, faced in extreme by the Malaiyaha community.



<sup>\*</sup> All names have been anonymized to protect the individual's privacy. Information has been obtained through CSR's personal contacts

## Socio-Cultural Impact: High Tension

Soon after the attack, the Sri Lankan Government blocked access to all social media sites, closed schools for two days, declared an island-wide 12-hour curfew and tightened the security measures around Colombo and other areas while investigations continued. Facebook issued a statement about the situation saying,

"Teams from across Facebook have been working to support first responders and law enforcement as well as to identify and remove content which violates our standards.<sup>42</sup>"

The suicide bombers of the Easter attacks were recognized in society by their ethnic and religious identity causing grave damage to racial harmony in the country<sup>43</sup>. This was further intensified by the role played by the media in promoting an ethnic and religious agenda behind the incident. As a result of a breakdown of trust between religious groups and ethnic groups took place. The Muslim community was suspected and marginalized as terrorists. Hatred developed towards the entire Muslim community. The rejection of Muslim businesses at the village level can be shown as a minor reflection of the bigger socio-cultural shock which took place in the country<sup>44</sup>.

#### 'Public anger has focused on the nation's nearly two million Muslims.<sup>45</sup>'

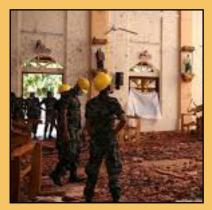
Many Muslims felt that they were demonized and seen as a target, as many Mosques and Muslim-owned shops were vandalized, set on fire, and destroyed in different areas in the country with one man dying from stab wounds after a mob attacked his business in the Puttalam District<sup>46</sup>. Tensions were high even in June as a senior Buddhist monk openly asked Sinhalese people not to buy from Muslim shops<sup>47</sup>. The tense state and riots caused agitation and tension among the Muslim community who in turn accused the Sinhala-majority security forces of being complicit and not adequately intervening to prevent mobs<sup>48</sup>. Despite many religious and political leaders appealing for citizens to remain calm and not be swayed by false information online, rumors and panic circulated via social media, despite the social media block<sup>49</sup>. The communal hate even escalated to the point where a Muslim doctor was falsely arrested and detained for secretly sterilizing Sinhala women even though there was no evidence and investigators say he was framed<sup>50</sup>. Additionally, the President banned face coverings in order to prevent people from concealing their identities<sup>51</sup>. Although it did not specifically name the veils worn by Muslim women, various Rights groups have stated how Muslim women have been harassed in light of this ban<sup>52</sup>. Due to all these issues, the state had to increase its military presence and tighten security measures. The country's communal tension was increasingly high once again. Refugees and asylum seekers who have sought temporary refuge to escape persecution in their own countries, also faced hostility and attacks, as they were suspected of being "extremist Muslims". Many were evicted from their homes and faced traumatic and humiliating experiences<sup>53</sup>.

















### Economic Consequence: Detrimental

One of Sri Lanka's largest industries and modes of income is its tourism sector, which is also undoubtedly a key sector for foreign investment<sup>54</sup>. In 2018, Lonely Planet named Sri Lanka as the best country in the world to visit in 2019<sup>55</sup>, indicating the potential revenue the country could earn through tourism alone. However, the impact of the Easter Sunday attacks affected this industry in tragic ways.

2019 was predicted to set a new record as tourism authorities estimated Sri Lanka would hit 2.5 million tourist arrivals<sup>56</sup>. However, with almost 37 countries<sup>57</sup>, including the United States of America<sup>58</sup> and the United Kingdom<sup>59</sup> issuing (temporary) travel advisories about Sri Lanka, warning their citizens to travel with caution because of terrorism and increased tension, Sri Lanka's tourism industry took a major hit. Although at the beginning of the year, the island saw a great number of visitors (an average of 7,600 tourist arrivals per day<sup>60</sup>), this sadly diminished after the attacks in April (1,700 tourist arrivals per day). Sri Lanka received a total of only 1.9 million tourists in 2019, a major decline from the 2.3 million that visited the year before<sup>61</sup>, an 18% decrease which led earnings from tourism to decline by 17.7% as well<sup>62</sup>.

According to the Association of Small and Medium Enterprises in Tourism Sri Lanka (ASMET), many businesses downsized by discontinuing their staff as they faced many losses<sup>63</sup>. This adds to the risk that tourism is seen as a volatile industry, resulting in a reluctance to join which could create a labor shortage and impact the industry in the long term<sup>64</sup>. Even though it mainly affected tourism, the domino effect impacted several other sectors such as air transportation services, domestic transportation, wholesale and retail trade and accommodation, food and beverage service activities, leisure and entertainment, and agriculture<sup>65</sup>.

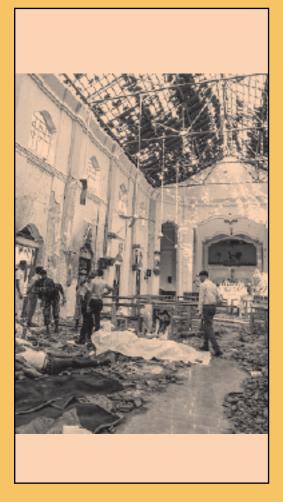
Consequentially, the Sri Lankan Rupee also faced some pressure in the aftermath of the attacks, as foreign investments were withdrawn and the country was not viewed in a positive light<sup>66</sup>. Additionally, the Colombo Stock Exchange experienced a setback with a fall in price indices and market capitalization, the fiscal performance deteriorated, and the government expenditure increased due to financing relief packages and strengthening security measures<sup>67</sup>. Therefore, although other factors contributed to the country's economic struggles in 2019, it is clear that the Easter attacks had a devastating impact on the nation's low revenue, struggling employment sector, high exchange rates, and increased expenditure.



photo credit- Tharindu Jayawardhana

## Legal perspective: Cases Filed

There are several criminal cases filed with regard to the incidents related to the Easter Sunday attacks. However, none of the cases have ended up with a conviction. As of today, five years since the attacks, no one has been held accountable for the attacks. There are 12 main cases related to the Easter attacks. To obtain a detailed understanding of these cases, please refer to the CSR report titled 'The Highlights of 11 Main Easter Attacks Court Cases (1st January 2021- 21st June 2023).'



#### 1. The Main Criminal Case against 25 Persons accused of the Easter Sunday Bomb Attacks-HC (TAB) 2972/21

The criminal case number HC (TAB) 2972 against 25 accused, including Naufer Moulavi, related to all the bomb blasts that took place on 21 April 2019, is the main criminal case at present relating to the Easter Sunday Attacks. In this case, indictments containing 23270 charges, which include conspiracy, aiding and abetting the attack, were called on the 12th of January 2022 before a Trial-at-Bar<sup>68</sup>. With the demise of the 17th accused while taking treatment at the prison hospital, the case proceeds against 24 accused. Due to various reasons such as lack of Tamilspeaking lawyers, and non-availability of Tamil translations of the indictments, the trial was delayed and finally, the case was first taken up for trial on 10 October 2023<sup>69</sup>. It is a crucial question to examine why it took this long to commence the trial. However, as the defense<sup>70</sup> did not admit to the occurrence of the bomb blasts, Throughout the last 44 days of the cas the prosecution had to call witnesses to establish the fact that there were suicide bombers that carried out the bomb blasts on Easter Sunday.



Case Number: HC (TAB) 2972/21 Accused: Naufer Moulavi and 23 others The Court: Colombo High Court Next Date: 30th April 2024 Current Status: Trial ongoing

# 2. The Case against the Former Defence Secretary and the Former IGP for Failing to Prevent the Easter Attacks – HC/TAB/2899/21 & HC/TAB/2900/21

In 2021, Mr. Hemasiri Fernando, the former Defence Secretary, and Mr. Pujith Jayasundara, the former Inspector General of Police, were indicted for the failure to prevent the Easter terror attacks and the neglect of duties (among other things). These cases were taken in two separate Trials at Bars at the Colombo High Court, and both accused were acquitted by courts on the 18th of February 2022 even without calling for evidence from the defence. Although there were 855 charges in each of these cases, the real question was whether there was abetment in terms of Section 102 of the Penal Code. An abettor is defined as one who "intentionally aids, by any act or illegal omission<sup>71</sup>, the doing of that thing". The position of the bench was that there was no compelling and cogent evidence to prove that they could be considered guilty of omission. Although there were around 1200 witnesses named in each case, only about 6-7 witnesses had been called to give evidence at trial, which is a very small number<sup>72</sup>.

Both these matters were brought up in appeal to the Supreme Court by the Attorney General in case numbers S.C. TAB No.02/23 and S.C.TAB No. 03/23 and argued together before a five-judge bench from the 4th of July 2023 onwards. The hearing was concluded on the 8th of September 2023 and the judgment is reserved





Case Number: HC/TAB/2899/21 and S.C. TAB No. 02/23 Accused: Hemasiri Fernando The Court: Colombo High Court and the Supreme Court Current Status: Judgment Reserved

Case Number: HC/TAB/2900/21 and S.C.TAB No. 03/23 Accused: Pujith Jayasundara The Court: Colombo High Court and the Supreme Court Current Status: Judgment Reserved

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# 3. The Fundamental Rights Cases Related to the Easter Attacks – SC FR 163/2019, and other

There were 12 Fundamental Rights petitions<sup>73</sup> filed against people who failed to prevent the Easter Sunday bomb attacks. On the 12th of January 2023<sup>74</sup>, the Supreme Court delivered the judgment with respect to all the above petitions filed by the Petitioners. The Supreme Court ruled that the Respondents named in the Fundamental Rights petitions failed to prevent the Easter Sunday attacks, despite having credible information of an imminent attack and thereby had violated the Fundamental Rights of the Petitioners. The Supreme Court said that all these funds need to be collected and used to compensate the victims of the 2019 Easter Sunday attacks. The Court ordered that the State must take the necessary measures to compensate the victims.

Respondents	Amount ordered to be paid	Amount paid	Amount yet to be paid
State	Rs. 1 million	Rs. 1 million	-
Mr. Hemasiri Fernado	Rs. 50 million	Rs. 5 million	Rs. 45 million
Mr. Pujith Jayasundera	Rs. 75 million	Rs. 1,725,588.87	Rs. 73,274,411.13 million
Hon. Maithripala Sirisena	Rs. 100 million	Rs. 15 million	Rs. 85 million
Mr. Sisira Mendis	Rs. 10 million	Rs. 10 million	-
Mr. Nilantha Jayawardna	Rs. 75 million	Rs. 4.1 million	Rs. 70.9 million
Total (as of Oct 30, 2023)	Rs. 311 million	Rs. 36,825,588.87 11.84%	Rs. 274,174,411.13 88.15%

The following sums have been received to the credit of the fund as of October 30th 2023.

Source- https://reparations.gov.lk/



However, it is clear that although it has been more than a year since the judgment was given, and the initial deadline that was given was the 12th of July 2023, only 2 of the 6 respondents have paid the compensation in full. The then-President, Maithripala Sirisena and Pujith Jayasundara have only paid a meagre sum of 15 million out of the 100 million and 1.7 Million out of the 75 million they were ordered to pay respectively. This raises the question of accountability and pressure must be exerted to compel them to pay compensation at the earliest.

IIn addition, the Supreme Court ordered the taking of disciplinary action against former State Intelligence Services Chief Nilantha Jayawardene within 6 months. The Attorney General was ordered to monitor and report to the Court on the progress of compensating the victims, and the action taken against Former State Intelligence Services Chief Nilantha Jayawardene. The actions taken by the Government to comply with the judgement can be found on reparations.gov.lk<sup>75</sup>.

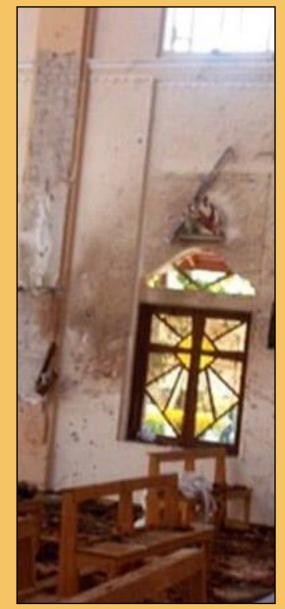
Several actions have thus been taken by the Office for Reparations to comply with the orders made by the Supreme Court in the above cases. The main actions included establishing a victim fund with effect from January 19th 2023 at Bank of Ceylon (BOC) Rajagiriya Branch Account No. 0090167960, under the title **'Easter Attack April 2019 – Victim Fund**<sup>76</sup>'. Further details regarding the disbursement of the money from the fund will be analysed in the section on 'Reparations'.

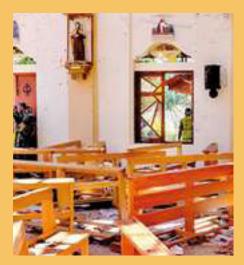
Case Numbers: SC FR 163/2019, SC FR 165/2019, SC FR 166/2019, SCFR 184/2019, SC FR 188/2019, SC FR 191/2019, SC FR 193/2019, SC FR 195/2019, SC FR 196/2019, SC FR NO. 197/19, SC FR 198/2019, SCFR 293/2019 Accused: The State, Maithripala Sirisena, Hemasiri Fernando, Pujith Jayasundara, Sisira Mendis and Nilantha Jayawardena. The Court: Supreme Court Next date: 15th July 2024 Current Status: Judgment given. Compensation by respondents not fulfilled and disciplinary action was not taken. This matter will be mentioned on 15th July 2024.

#### 4. The Case against Hejaaz Hizbullah and Others- HC 78/2021

This case is against the Attorney-at-law Hejaaz Hiszbullah for his alleged connection to Save the Pearls Charity which had ties to one of the Easter attacks bombers. However, the evidence is weak against Hejaaz. His arrest has been widely condemned for being arbitrary, without due process and violating orders and ethics. 23 organizations and 75 individuals demanded Hejaaz's release as he was falsely accused and because of lack of evidence77 in court connecting him to any terrorist activity78. On 9 October 2023, the case took a significant turn when one of the Prosecution's witnesses admitted that his previous statements to the Criminal Investigation Department (CID) and the High Court were fabricated and that he had lied<sup>79</sup>. On 16th January 2024, Mr. Hisbullah was accompanied by Catholic clergy to the Court in a show of solidarity which implies that the Catholic Church doubts the role of the prosecutors in indicting and prosecuting Mr Hisbullah as an accused connected to the Easter attacks<sup>80</sup>. However, despite these concerns, the trial is ongoing and will be taken up on the 17th of May 2024.

Case Number: HC 78/2021 Accused: HejaazHizbullah and Mohammed Shakeel The Court: Puttalam High Court Next date:17thMay 2024 Current Status: Trial ongoing







#### 5. The Private Plaint against Former President Maithripala Sirisena- 23084/22

This case is regarding a private plaint that was filed on the 16th of September 2022 against former President Maithripala Sirisena in the Magistrate Court<sup>81</sup>. The Plaintiff has alleged that in failing to direct the Tri-forces and/or the Police to arrest Zahran Hashim and his followers and/or failing to carry out surveillance and/or failing to prevent harm and deaths caused during the Easter attacks, the Accused has failed to discharge his legal duties as the Minister of Defence<sup>82</sup>. The Magistrate's Court issued summons on the 16th of September 2022 as the accusation was regarding the Penal Code offence of causing death by negligence and/or causing grievous hurt. The last court date was on the 17th of March 2023 and it is currently on hold until the order of the writ case.

Case Number: 23084/22 Accused: Maithripala Sirisena (former President) The Court: Fort Magistrate Court Current Status: On hold till the order of the writ case

#### 6. The Writ Case Filed by the Former President Maithripala Sirisena in the Court of Appeal- WRIT 354/22

This case is regarding a petition filed on the 29th of September 2022 in the Court of Appeal by the former President Maithripala Sirisena alleging that the order made by the Magistrate Court in the above case (Case No. 23084/22) issuing summons on the former President requiring him to be present before the Fort Magistrates Court on the 14th of October 2022 is illegal, void and has no effect in Law. The Petitioner has requested the Court of Appeal to issue a Writ of Certiorari, Writ of Prohibition, and an interim order staying the execution of the said order dated 16th September 2022 issuing summons on the Petitioner. Currently, it is fixed for the 14th of May as a mention matter.

Case Number: WRIT 354/22 Respondents: Honourable Magistrate and the Registrar from the Fort Magistrate Court The Court: Colombo Court of Appeal Next date: 14th May 2024 Current Status: Fixed as a mention matter



#### 7. The Mawanella Buddha Statue Vandalism Case- TAB 4485/21

Between December 23rd and 26th 2018, Buddha statues around Mawanella were vandalized, and although arrests were made the mastermind behind the vandalism was not identified at the time, but was later discovered to be Zaharan Hasheem, who was one of the suicide bombers of the Easter attacks<sup>83</sup>. On the 17th of June 2022, this matter was called against 16 accused with 18 indictments filed under the Prevention of Terrorism Act (PTA)<sup>84</sup>. There were many delays in the court proceedings due to lack of legal representation, the accused not being present in court, and the judge going on vacation. However, on the 18th of January 2023, all the accused pleaded guilty after reducing the charges from PTA to offences under the penal code and got suspended sentences and the case concluded.<sup>85</sup>

Case Number: TAB 4485/21 Accused: 16 persons The Court: Kegalle High Court Current Status: Case concluded

#### 8.Vanathavillluwa Training Camp and Explosives Case- Puttalam/ TAB/107/2021

This case is against 6 accused regarding a training camp and explosives discovered in Vanathavilluwain connection to the Easter Sunday bomb attacks. This training camp was discovered on the 16th of January 2019 by CID officers who learnt that the camp was set up to train two types of suicide and assault teams and the connection to Zaharan and if not for the discovery of the explosives Zahran had access to could have resulted in a much larger carnage<sup>86</sup>. The trial for this case has started and it is currently pending for the inquiry to check whether the confession is voluntary or under duress (voir dire inquiry) regarding the confession of the 3rd accused.

Case Number: Puttalam/TAB/107/2021 Accused: 6 persons The Court: Puttalam High Court Next date: 28th and 29th May, 25th,26th, and 27th June, and 16th, 17th, and 18th July 2024. Current Status: Further Voir Dire Inquiry

#### 9. The Case against Ahnaf Jeseem- HC 148/2021

This case was filed against a young poet, Ahnaf Jeseem, under the Prevention of Terrorism Act (PTA) on allegations of extremism related to his book 'Navarasam'<sup>87</sup>. Jeseem was detained for more than a year and a half under PTA before he was bailed out<sup>88</sup>. Throughout detention, Ahnaf was denied meaningful access to lawyers and has been compelled to sign a statement without being given the chance to read and understand the contents<sup>89</sup>. There was international concern as Ahnaf was denied a fair trial, due process and unrestricted access to legal counsel and was detained in very unhygienic conditions<sup>90</sup>. Pre-trial commenced on the 16th of November 2022 and after taking the evidence of five witnesses of the prosecution on the 12th of December 2023, the court ordered the acquittal of Mr. Jeseem due to lack of evidence.

Case Number: HC 148/2021 Accused: Ahnaf Jeseem The Court: Puttalam High Court Current Status: Case concluded 10. The case for recovering the damages that happened due to the Easter Attack- 16235/MR

The case was called on the 15th of December 2022 at the Negombo District Court against 6 accused. Currently, it is in the stages of pre-trial.

Case Number: 16235 M Accused: Maithripala President Ranil Wickramasinghe, Sirisena, Hemasiri Fernando, Pujith Jayasundara, Jayawardana, Nilantha and Attorney General The Court: Negombo District Court Next Date: 28th June 2024 Current Status: Pre-trial

#### 11. Writ Case against Nilantha Jayawardena- Writ 143/24

The Easter Sunday bombings revealed a serious breach of duty by the State Intelligence Service (SIS), aThe Easter Sunday bombings revealed a serious breach of duty by the State Intelligence Service (SIS), and the CSR forwarded a complaint dated 20 April 2022 to the IGP, with evidence that points to Nilantha Jayawardena, former SIS director being directly responsible for serious dereliction of duty that led to the Easter Sunday bombings on 21 April 2019.

In the complaint, CSR urged immediate investigations and the arrest of Nilantha Jayawardena for failure to take action to prevent the events of 21 April 2019 despite receiving information as to the imminent bombings, an offence falling within Section 100 (iii) of the Penal Code.

However, since there has been no progress or response to the complaint, the CSR filed a writ application on the 1st of March 2024 against IGP, Nilantha Jayawardena and the Attorney General requesting the following from the Court of Appeal among other things,

i. to commence criminal investigations and/or proceedings, against Nilantha Jayawardena

ii. to facilitate the carrying out of the findings/recommendations of the Presidential Commission of Inquiry.

iii.to take steps to initiate appropriate action to give effect to and/or facilitate the carrying out of the Judgment of their Lordships of the Supreme Court.

Case Number: Writ 143/24 Respondent: Nilantha Jayawardena The Court: Colombo Court of Appeal Next Date:28th May 2024 Current Status: This matter is refixed for support





#### 12. RTI Appeal Case against the Ministry of Public Security- CA RTI/11/2023

On behalf of the Centre for Society and Religion (CSR), the journalist Tharindu Jayawardana has filed a Right to Information (RTI) application to the Ministry of Public Security requesting information about disciplinary action taken against certain police officers including the present Acting Inspector General of Police for their omissions concerning the Easter Attacks. As CSR did not receive information this was later appealed to the RTI Commission, and a decision was given in favour of the Ministry on 24th November 2023. So, this decision of the RTI Commission was appealed to the Court of Appeal and currently, this matter is pending for notice returnable, which means pending for the respondents to come to court.

Case Number: CA RTI/11/2023 Respondent: Ministry of Public Security The Court: Colombo Court of Appeal Next Date: 14th June 2024 Current Status: Pending for the respondents to come to court



### Who is to blame?

The socio-economic impact on the country and the immeasurable loss faced by thousands cannot be denied, but in the final analysis, who is to blame? What would justice look like?

On the 21st of April 2019, the President issued emergency regulations giving security forces the power to arrest and detain people if they were suspected of being linked to the attack<sup>91</sup>. Around 200 people were arrested in the following week<sup>92</sup> and dozens of people were charged for allegedly receiving weapons training and participating in indoctrination classes by the two main groups accused of carrying out the Easter attacks<sup>93</sup>. Although many arrests were carried out with ties to the NTJ and JMI, many questioned whether there was more to the story and who the real masterminds behind the attacks were.

For a thorough investigation into the Easter attacks, various committees were appointed to collect evidence and provide a report of the findings. 'A Presidential commission, a Presidential committee, and a Parliamentary Select Committee were appointed to investigate the Easter Sunday Attacks. The report produced by the Presidential Committee was not published while the Parliamentary Select Committee's report was fully published, and the Presidential Commission report was partly published. On 26th January 2023, the Right to Information Commission directed the Presidential Secretariat to make the presidential committee report public before 9th February 2023 after hearing an appeal filed by CSR. However, none of the major recommendations in the published reports have been implemented to deliver justice for the victims<sup>94</sup>.'

*The Parliamentary Select Committee (PSC) and the Commission of Inquiry (COI), both appointed to examine the events leading to the Easter attacks, concluded that if the Indian intelligence reports had been acted on, the bombings on April 21, 2019, could have been avoided.* <sup>95</sup>

The reports reveal that authorities had sufficient time and enough intelligence to act on the suspicions and prevent the incident. SIS Director received intelligence reports from India on the 4th and 5th of April 2019 and again two reports on the 20th of April describing the possibility of the attack, naming the suspects, and the urgency of the terror attack<sup>96</sup>. Additionally, there was a dry run conducted five days before the bombings where a motorcycle was blown up using a remote-controlled device in Zaharan's home base, and although the SIS learnt of the incident the next day, even after intelligence reports stated that Zaharan was planning a terror attack, proper investigations into this matter did not take place<sup>97</sup>. The amount of information that was received prior to the attack and the lack of action, investigation, and implementation of safety measures inevitably raised questions as to who was actually behind the attacks.

### "A less dysfunctional government might have still failed to connect incoming intelligence with the information on Zaharan in Sri Lankan police files, but it would have tried much harder.<sup>98</sup>"

Regardless of the number of intelligence reports both by the U.S and India, that had warned about imminent attacks targeting churches and hotels in Sri Lanka, President Maithripala Sirisena and Prime Minister Ranil Wickremasinghe both acted out of gross ignorance<sup>99</sup>. Even, at the time the unfortunate incident has happened<sup>100</sup>, the executive president Mr. Sirisena was out of the country and returned a considerable time after the incident.

## 'President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe both claimed ignorance of multiple intelligence reports [...] that had warned of imminent suicide attacks<sup>101</sup>.'

The Centre for Society and Religion, after receiving the four most important pieces of evidence given at the Presidential Commission of Inquiry on the Easter attacks, released a statement saying, "...it is surprising to have not prevented the bomb attacks despite obtaining information about the same and even when having an insider planted within JMI, the membership of which was very limited<sup>102</sup>." It urged that information needs to be publicly revealed as under whose influence the bomb attacks were not prevented and who was behind the attacks<sup>103</sup>. Although through the judgment of the 12 Fundamental Rights case a few were ordered to compensate for failure to prevent the attacks, truth behind who planned the attacks and what the motive was remains hidden.

#### Channel 04 Revealing Documentary on Easter Attack

The recent Channel 04 revealing documentary caused considerable controversy in the country, yet failed to reveal something substantially newer than what many Sri Lankans<sup>104</sup> already knew. The allegations that military intelligence was involved with the Islamic extremists is not a new perspective to many Sri Lankans.

However, the Channel 4 documentary made new allegations against the current SIS chief, Suresh Sallay<sup>105</sup>, pointing to the connection of the series of events to the Rajapaksa family, and Gotabaya Rajapaksa, in particular. The video suggests there was a conspiracy to bring the Rajapaksas back to power in 2019. Just within a couple of days of the 2019 bombing, Gotabaya came out declaring that he was the national security candidate who could wipe out Islamic extremists<sup>106</sup>.

"Gotabaya Rajapaksa has responded to the documentary and denied that he influenced Suresh Sallay or had any dealings with the intelligence operative while he was out of power between 2015 and 2019 and had nothing to do with the intelligence and security apparatus<sup>107</sup>."

In fact, the Channel 04 video does not provide any answers, yet it raises some more doubts and questions. As Cardinal Ranjith himself said it is time for an independent, transparent, internationally acceptable investigation into all aspects of the carnage. The government owes it to its people, not least the victims and survivors of the attacks because it is the right thing to do<sup>108</sup>.

# What is being done?

#### Reparation

'The UN human rights office called on the Sri Lankan Government to ensure that victims receive adequate compensation and that they and their representatives are fully consulted in the disbursement of the funds.<sup>109</sup>'

The Government and non-governmental bodies play a significant role in the process of reparation when it comes to the victims of the Easter attacks.<sup>110</sup>

Seth Sarana (the social arm of the Archdiocese of Colombo) had received Rs. 350.7 million from local and foreign donors to assist the victims of the attacks. Accordingly, of the total allocations, the largest amount is to be used to fund the education of child victims and grant a monthly stipend for new-born children up to five years<sup>111</sup>. All allocations can be seen in the table below.<sup>112</sup>

Category	Allocation (LKR-Millions)
Children's Education	2
Compensation	16.8
Medical Expenses	17.8
Daily Expenses of Victims	35
Purchase land to build houses with the Govt. help	53
Construct Zion Church, Batticaloa	10
Low-income families	30

Meanwhile, a counselling center has also been setup with the assistance of the Dialog Foundations' "Rally to Care" initiative, under the supervision of the Cardinal, to provide counselling for those mentally affected by the tragedy.<sup>113</sup> The project of around Rs. 53 million which has been allocated to purchase land for the construction of houses for families with no permanent residence is to be carried out in collaboration with the Government<sup>114</sup>.

The victim fund, ordered by the Supreme Court dated 12th January 2023 in the 12 Fundamental Rights Case, has been established with effect from January 19th, 2023 at Bank of Ceylon (BOC), Rajagiriya Branch, Account No. 0090167960, under the title 'Easter Attack April 2019 – Victim Fund'. A notice calling on persons to contribute to the victims' fund was published on January 29th 2023 in Silumina, Virakesari, Sunday Observer, Lankadeepa, Thinakaran and The Sunday Times newspapers. Investigations regarding non-payment and underpayment of compensation were completed and submitted to the Hon. Attorney General by letter dated March 14, 2023. The scheme to make payments from the Victim Fund was formulated in January 2023. Disbursements of money from the Fund will be determined consequent to a needs-based evaluation of persons aggrieved by the attack. <sup>115</sup>

Category of victim	Amount Paid Rs.	Date Paid
Persons who are totally perma- nently disabled	Rs. 2,500,000/=(Rs.500,000 each)	17.08.2023
Families that suffered economic loss due to the death of a wage earning family member*	Rs. 29,225,000/= (Rs.175,000 each	04.10.2023
Persons who are partially permanently (Over 70% as per certification of thedisabled Medical Officer).	Rs. 2,400,000/= (Rs.100,000 each)	31.10.2023
Total	Rs. 34,125,000/=	As at Oct 31, 2023

Source- https://reparations.gov.k

The Office of Reparation decided to utilize the limited funds available to provide relief on a priority basis to the families that suffered financial loss as a result of the death of a family member who was or may have been contributing to the economy of the family unit at the time of death<sup>116</sup>. The Office of Reparations proceeded on the assumption that every victim over 18 years was in that category but does not wish to subordinate or trivialize the suffering of those who lost younger family members but has proceeded only to provide relief for financial loss<sup>117</sup>.

A comprehensive summary of the above payments which have been made is provided under attachment 02.

There have been many non-governmental organizations and individual donors that have contributed towards the living expenses of the survivors and victims' families as well. CSR organized a stage drama as a fundraiser titled 'A Day in July 2019' directed by Rajitha Dissanayake, which was performed on the 18th of March 2023 at the Tower Hall. This play highlighted the impact of the attacks on society. Additionally, all proceeds have been diligently used to help the victims who were in imminent need. Particularly one of the victims needed surgery to cure the ringing in his ears. Fortunately, it was possible for this surgery to be conducted free. However, CSR has covered the costs related to channeling, transportation, and other surgery-related expenses. As the operation requires complete rest after the surgery and prevents him from earning a living, CSR covered the living expenses for 3 months, which was around 50,000/= per month. Currently, he is still facing problems in his hearing and the doctors have advised him to undergo further surgeries. Additionally, CSR supported the livelihood of three other Easter attack survivors from the tea plantation community and helped in supporting their individual needs.

#### National and International Movement for Justice

For five years, the Catholic church has been asking for justice for the victims of the Easter attacks. They employ several means including media briefings, demonstrations, conferences and media vigils. The main request<sup>118</sup> is to implement the recommendations of the Commission of Inquiry and to name the mastermind behind the attack. In a letter addressed to former president Gotabaya Rajapakshe in 2021, the Catholic Bishops Conference Sri Lanka posed several questions and requested a response within one month<sup>119</sup>.

'Similarly, we believe that it should end only by conducting a serious investigation on this which would answer the following key questions:

Was there a conspiracy behind these attacks? What were the aims of these attacks? Who were those connected to these attacks? The results of these investigations should then be made known to the public<sup>120</sup>'.

It further stated,

"Hence, it is our firm belief that the legal proceedings concerning these Easter terror attacks should end only with the prosecution of all those who were directly involved and all those who assisted them at their behest, all those masterminds who planned these attacks and those who led these attacks, and all those political leaders, State Officials, Police and Intelligence Service Officials who, in spite of being able to prevent these massacres, neglected to do so'<sup>121</sup>.

Thus, the activism of the Catholic Church, the continuous actions for justice by Archbishop of Colombo Cardinal Malcolm Ranjith along with the legal cases can be summed up in major as the core of the movement for justice regarding the victims of the Easter attacks in Sri Lanka. Non-governmental organizations including Negombo Citizens Committee, April 21 Foundation for Justice, CSR, and Seth Sarana continuously play an active role in the aforesaid movement for justice.

Regarding International activism, the US Justice Department has charged three Sri Lankans with supporting terrorism for their participation in the Islamic State claimed the Easter attacks on churches and hotels in Sri Lanka in 2019. The three charged are Mohamed Naufar, the "second emir" and a recruiter and trainer for ISIS in Sri Lanka, Mohamed Anwar Mohamed Riskan, who allegedly helped manufacture the bombs used in the attacks, and Ahamed MilhanHayathu Mohamed, who killed a police officer in the attack<sup>122</sup>. All three are now in custody in Sri Lanka, and the department had stated it would support their prosecution in that country while maintaining the US charges in the event they gain their freedom. Five US citizens have been killed in the said attack.<sup>123</sup>

'This case clearly demonstrates that the United States will take decisive action to ensure terrorists face justice when they target Americans anywhere in the world," said Nick Hanna, the US federal prosecutor in Los Angeles, where the case was filed.'<sup>124</sup>

# **Recommendations**

The Easter Sunday massacre can be identified as the most dreadful public post-war attack in the country targeting mainly the churches and the hotels in the country. The devastation that it brought about have been explained in the report reflecting the magnitude of its impact. After five years, justice has not been fully accomplished for the victims of the disaster. Thus, mentioned below are some recommendations to pursue the process of justice towards the victims of the attack.

- To expedite all court cases connected to the Easter attacks.
- Conduct international investigations and prosecutions against those most responsible, especially masterminds
- Conducting investigations in collaboration with a credible International Institution to discover the masterminds and motives behind the attack.
- Ensure that the adequate compensations for the Easter attacks reach all the victims in a speedy, fair and transparent manner.
- Ensure those ordered to pay compensation by the Supreme Court do so immediately
- A proper criminal investigation to be conducted into the involvement of Nilantha Jayawardena
- Make all reports related to Easter attacks publicly available
- Implementing the recommendations made by the Presidential Commission of Inquiry in its final report.

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# Appendix

Attachment 01- Office for Reparations notice of invitation to benefactors to contribute to the Easter attack 2019 victim fund



# OFFICE FOR REPARATIONS

# NOTICE

# INVITATION TO BENEFACTORS TO CONTRIBUTE TO THE EASTER ATTACK 2019 VICTIM FUND

The Supreme Court of Sri Lanka, by its Order in SCFR Nos. 163/2019, 165/2019, 166/2019, 184/2019, 188/2019, 191/2019, 193/2019, 195/2019, 196/2019, 197/2019, 198/2019, and 293/2019 has directed this Office to –

- establish a Victim Fund to provide compensation to victims and families aggrieved by the bomb attacks that occurred on April 21, 2019; and
- b) formulate a scheme to award compensation to victims, in a fair and equitable manner; and
- c) invite any generous benefactors and donors to contribute towards this Fund.

The Office for Reparations has established a Fund and has formulated the scheme to grant compensation from monies received to the Fund. The scheme is posted on the website of this Office - <u>www.reparations.gov.lk</u>

The Office for Reparations hereby calls upon those who wish to contribute to this Fund, to make their contributions to the following Account-

Easter Attack April 2019- Victim Fund Current Account No. 0090167960 Bank of Ceylon, Rajagiriya Branch 608/1 Nawala Road, Rajagiriya.

Chairperson Office for Reparations No. 40 Buthgamuwa Road, Rajagiriya. January 29<sup>th</sup>, 2023

Attachment 02- P	ayments made b	y the Office f	for Reparations
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2							Payments made							1.1.1		1.00							
									Date	init	ial paymen	ts made	ļ	1 <sup>st</sup> installmen	nt .	-	2 <sup>nd</sup> installme	nt .	1.1	3 <sup>rd</sup> Installmen	t		Nan
s.Nc	File N	Name of victim	Address	Place of incident	ident was received by OR	was received by	was received by	Amount (Rs.)	Paid by District/ Divisional Secretary	Date	Amount (Rs.)	Date	Time taken	Amount (Rs.)	Date	Time taken	Amount (Rs.)	Date	Time taken	Total Paid (Rs.)	relation of per- to w payr was r		
1	MAP/0 /5P/03		111/6/A Səmərənəyəke Məwəthə, Kurosawə həndiyə, Alubomullə.	Tropical Inn, Dehiwala	29/04/2019	100,000	Bandaraga ma	24/04/2019	800,000	06/05/2019	07 days	100,000	25/10/2019	5 m. 19 days				1,000,000	N.R.He hohi (W K.M.S.) Minhas				
2	MAP/D /SP/06	Radha, R	No 36 Aramaya Place, Dematagoda, Colombo 9	St.Anthony's Church Kochchikade	06/05/2019	100,000	Colombo and Thimbiriga syaya	21/04/2019	300,000	07/05/2019	01 day	150,000	14/05/2019		450,000	11/09/2019	2m. 27 days	1,000,000	S.A.Rajı ( Son) S.A.Rajı (Husbar				
з		Salgadu, M. Piyumi Shanika	71, Uyankele Rd, Panadura	Tropical Inn, Dehivala	06/06/2019	166,000	Panadura	Not mentioned	300,000	07/05/2019	02 days	500,000	14/06/2019	1m. 7 days	100,000	25/10/2019	4m. 03 days	1. 1. 1	M.A. Sa (Father) M.R.K.P anchana (Mother				
4	MAP/C /SP/27	Yasakelum, R.D. Miyuru	170,Weerarathna Mawatha, Walpola, Ragama.	Shangrila Hotel, Colombo	07/05/2019	100,000	Ja-Ela	Not mentioned	800,000	08/05/2019	01 day	100,000	29/07/2019	2m. 21 days	-			1,000,000	W.M.M. Sandam (Mother				
5	MAP/S P/D/11 1	Fernándo, J.L.S. Milan Chanaka	223/4 Nugawela Rd, Maha hunupitiya, Negombo	St. Sebastians Church, Katuwapitiya	11/07/2019	100,000	katana	13/06/2019	300,000	24/06/2019	Pd prior	600,000	22/07/2019	28 days					3.L.P.P. Fernand (Father) G.A.M.A Silva (Mother				

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	ANNEXE 6
Summary of payments made for death and inj	ury

Summar	y of payments	made for dea	th and inju	iry
	Applications received	Applications approved	Not elígible	Sum paid
Death (Sri Lankans)	230	219	s 11 ·	220,700,000.00
Death (Foreign nationals)	9	. 9	ò,	9,000,000.00
Total	239	228	11	229,700,000.00
Injured (Sri Lankans)	490	490	0	81,487,500.00
Injured (foreign nationals)	12	12	.0	675,000.00
Total	502	502	0	82,162,500.00
Total for death and injury	741	730	11	311,862,500.00

## Summary of payments made - location wise

Place of incident	1	Death	Injured			
	No.	Paid (Rs.)	No.	Paid (Rs.)		
St. Sebastian's Church, Katuwapitiya	113	113,200,000	279	46,687;500		
St. Anthony's Church, Kochchikade	52	53,000,000	100	15,575,000		
Zion Church, Batticaloa	31	31,500,000	78	13,825,000		
Shangri-La Hotel, Colombo*	15	15,000,000	18	, 2,625,000		
Cinnamon Grand Hotel, Colombo	7.	7,000,000	13	1,900,000		
Kingsbury Hotel, Colombo**	5	5,000,000	14	2,550,000		
Tropical Inn, Dehiwela	2	2,000,000	0	C		
Mahawila Gardens, De matagoda	3	3,000,000	0			
TOTAL	228	229,700,000	502	82,162,500		

includes 4 foreign nationals
includes 5 foreign nationals

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14/3/23

#### SCHEME FOR THE GRANT OF MONETARY RELIEF TO VICTIMS OF THE EASTER ATTACK, APRIL 2019.

#### 1. Premise for grant of monetary relief.

Grant of monetary relief to victims and families is one (01) eight (08) interventions recognized in the Policy document formulated by the Office for Reparations. it's accepted that no amount of money can compensate for the loss of a family member or for an injury that impacts on a victim's ability to lead a normal life including the capacity to generate an income as previously. Monetary relief granted in the realm of reparations is therefore to assist these victims even marginally, to deal with the resulting situation.

This scheme is formulated in response to the Order of the Supreme Court of Sri Lanka made in its judgment of January 12, 2023 in SCFR Nos. 163/2019, 165/2019, 166/2019, 184/2019, 188/2019, 191/2019, 193/2019, 195/2019, 196/2019, 197/2019, 198/2019, and 293/2019 that "A Victim Fund must be established at the Office for Reparations, which must formulate a scheme to award the sums ordered as compensation in a fair and equitable manner to the victims and families."

## 2. Principles applicable to ensure scheme is "fair and equitable"

- a. Victim centrality Grant of monetary relief will be based primarily on the needs of the victims.
- b. Prioritizing The needs of the most vulnerable of the survivors, (disabled, elders, children, women) who require urgent relief will be given priority. c. Quantum of relief - The quantum of relief to be released to each victim/family will be
- determined based on the amounts available in the Victim Fund.

## 3. Methodology

- a. A Needs assessment will be conducted initially among i. the families of those who lost their lives; and
  - ii. those who are permanently disabled
- b. The needs assessment will be conducted among those who wish to be considered for further relief, with their consent.
- c. Based on willingness to participate in the assessment, continuing needs will be assessed. A questionnaire will be used.

## 4. Scheme

- a. Criteria that will be adopted to assess needs will be
  - i. Medical needs of the disabled (long term and short term). Where necessary, professional advice from medical personnel will be sought to assess medical needs
  - ii. Needs of the elderly who were dependent on a family member that died
  - iii. Educational needs of students
- iv. Other urgent needs of families including households headed by women b. The quantum of monetary relief will be determined based on the sum available in the Victim Fund.

Members of the Office for Reparations,

January 24,2023

Attachment 04- CSR's Press Release about evidence given at the Presidential Commission of Inquiry



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# **Press Release**

CSR officially receives four most important evidence given at the Presidential Commission of Inquiry on the 'Easter Attacks'; Further established that the security forces had prior information of the bombers.

The evidence given to the Presidential Commission of Inquiry on the Easter Attacks by former Director of the Criminal Investigation Department SSP Shani Abeysekera, the incumbent acting Inspector General of Police Deshabandu Tennakoon, Tuan Suresh Salley - the incumbent Director of State Intelligence Service and Fathima Hadiya - the wife of Zahran, have been officially released to the Centre for Society and Religion (CSR) by the Information Officer of the Parliament of Sri Lanka.

Members of the Parliament had tabled these evidence during the debate held on 21st and 22nd September 2023, pertaining to the Channel 4 documentary on Easter Sunday attacks. The relevant information was released to the Research Team of the Centre for Society and Religion, following a Right to Information request submitted by them.

As the Centre for Society and Religion, we decided to present the following facts to the public, as revealed after reading and analyzing the said material by a dedicated research team.

1) Even during Mr. Tuan Suresh Salley's tenure as Director, Military Intelligence of the Sri Lanka Army, Military Intelligence units had information pertaining to Zahran Hashim.

When Mr. Tuan Suresh Salley was questioned during leading the evidence by Senior State Counsel Mr. Sanjeewa Dissanayake at the Presidential Commission of Inquiry on 25th June 2020, it had come to light that Eastern Intelligence officers had provided information to Mr. on Zahran Hashim. It is mentioned so on pages 94 and 95 of the said evidence. At page 113 in his evidence, he has stated that they were in contact with a Thowheed Jamaath group, and they were invited to and discussions were held with them at the Ministry of Defence. He has also stated in his evidence that an agent from the Military Intelligence Unit was sent to JMI organization, and that it was a sensitive process.

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2) Zahran's wife Fathima Hadiya has stated in her evidence that a person identified as Abu Hind, who is based in India and had vehemently tried to ensure protection for Zahran, started "talking" to Zahran in or about the end of 2017. She had given evidence to the Presidential Commission on 20th October 2020. It is evident in the 76th page of her evidence that the person identifying as Abu Hind had communicated often with Zahran from the end of 2017 to 2019. Also, it is mentioned in pages 124 and 125 of Hadiya's evidence, about things (explosive material) being exchanged between the two houses in Panadura and Katuwapitiya on the 03rd of April. In page 150 of her evidence, Hadiya further states that Zahran told her that when the Police interfered during the weapons training in Kandy and carried on a search, although Zahran and the group had weapons with them, they didn't find any weapons, despite searching Zahran's bag. In her evidence in pages 170 and 171, Zahran's wife states that, during the series of events unfolding in Sainthamaruthu, when the house was on fire, Zaini i.e., Zahran's brother came from the outside and spoke to her through the window, but she refused to go, and after some time she heard gun shots, and thereafter she heard a voice that resembled Sara's, and when she turned back, she saw a woman standing, whose face was covered with blood and clothes were burnt. Hadiya has gone on to state that the said lady resembled Sara.

3) Deputy Inspector General Deshabandu Tennakoon has admitted that he had heard the name of one Zahran from 2017, and that he had participated in a program conducted by Mr. Nalaka Silva in 2017, and that Zahran's name had emerged when discussions were ongoing about religious extremism. Deshabandu Tennakoon has admitted in page 78 and 79 of his evidence that he could have prevented the Katuwapitiya attack, had he correctly implemented the written instructions on how to act with regard to such a scenario, as given by the then DIG - Western province to officers including him. Tennakoon has further stated that he had sent the sets of letters to lower ranking officers, and he had gone on leave on the 18th after duty, and that he was in Mahiyanganaya when the bomb attacks occurred. When asked by Inquiry Commission as to whether he didn't inform any Christian father about it as it was mentioned that churches could also be attacked, Deshabandu Tennakoon responded in the negative. When inquired whether the acting DIG was instructed on his security plan as there were information on a bomb attack targeting churches in the nearest future, and when it was evident that the Easter festival is certainly "nearest future", Deshabandu Tennakoon had again responded in the negative.

When carefully considering all the above facts and evidence, it is observed that the Intelligence units knew for a long time of, not only Zahran, but also about the organization called JMI, run by the sons of Ibrahim based in Colombo. We state that it is surprising to have not prevented the bomb attack, despite obtaining information about the same and even when having an insider planted within JMI, the membership of which was very limited. It must be publicly revealed as to on whose influence the bomb attacks were not prevented, and who were behind these events, despite the Intelligence units being aware of Thowheed Jama'ath, so much so that its representatives were invited for a discussion at the Ministry of Defence, and having continuous surveillance on them.

As per the evidence administered by Zahran's wife, some goods have been exchanged on the 3rd of April between the two houses in Panadura and Katuwapitiya. As claimed in the Parliament, the incident of a lorry alleged to have been released on an illegal order at Gelanigama took place on the 3rd of April as well. The interconnection between the following i.e., goods being exchanged between the house in Katuwapitiya - which is an area within the jurisdiction of Deshabandu Tennakoon, and a house in Panadura - which is not an area within his jurisdiction, and then him talking to Gelanigama Police - which is a station outside of his jurisdiction, and instructing with regard to the lorry, and his application on 03rd April to be on leave from 19th April etc. have not yet been properly inquired into.

As per Fathima Hadiya's evidence, Sara and one of Zahran's brothers, namely Zaini, were alive after the explosion. She states that Zaini spoke to her after the explosion, and then she heard gun shots. Although Zaini's body was found from there, Sara's body wasn't found. Zaini being alive and well after the explosion in the house, and then the gun shots being fired, and Sara's disappearance despite being alive clearly shows that a conspiracy that is barbaric beyond that of the bombers has taken place. No proper inquiry or investigation has been carried out yet, addressing these concerns.

It is noteworthy that the information revealed from this evidence is sufficient to establish that the reason behind other evidence and volumes of the Presidential Commission of Inquiry on Easter Sunday Attack being kept in confidence could be to avoid unraveling the conspiracy behind this brutal attack. National security is not only about the protection of the ruling class, but of the people too. We state that the persons in power are severely endangering the security of the citizens by hiding this important information without a proper inquiry being conducted into it, despite the fact that a severe breach of security of the people has been committed.

Therefore, we urge the government to release all information pertaining to the Easter Sunday attack, and pave way for a just and equitable international investigation into this matter.

- Centre for Society and Religion -On this 19th day of January, 2024



Easter Attack Info

https://easterattack.info





