

Trial Monitoring report

About the case: Hijaz Hisbulla's case

Case no. : HC 78/21

Courts: High court of Puttalam

Date of hearing: 2024.07.26

Author (s) of report: Sumiri FernandoAAL

1. Who was in courts:

Who	Names / other information	Comments
Judge (s)	Nadee Aparna Suwandurugoda	
Attorney General's Dept.	DSG Lakmini Girihagama	
Police (CID / TID etc.)	CID Colombo / TID	
Accused / Suspects	1. Hijaz Hisbulla 2. Mohommad Shakeel	
Lawyers for accused / suspects	For 1 st accused Nalinda Indrathissa, PC. For 2 nd accused Chaminda Athukorale AAL	
Aggrieved party	-	
Lawyers for aggrieved party	-	
Supporters of accused / suspects	-Sumiri Fernando	
Supporters of aggrieved party	-	
Others	-	

2. What happened in court hearing?

- Plaintiff witness 38 – Mr. Imran khan gave his evidence. (Former treasure of the Save the Perl Organization)

- Further Evidence in chief lead taken from the Plaintiff witness 38 – Mr. Imran Khan

- Mainly questions were directed about the

1. Role of Plaintiff witness 38 – Mr. Imran Khan in the “Save the pearl organization” and what kind of duty he has been assigned.
2. Purpose of establishing the Save the pearl organization
3. Why children were entered to the Madrasa School?
4. The teaching method followed by the Madrasa School
5. Payment done by the Save the pearl organization to the Madrasa school and the outside lectures who came to Madrasa school
6. Who decide the teaching methods and outside lectures?
7. Who gave the trust property to the Save the pearl organization
8. Minits of meetings and programs maintained by the Save the pearl organization

-Further, the Plaintiff witness 38 – Mr. Imran Khan was showed trust deed No.53/ minit of meeting No. 1373 and 1374 (one document)/ minit of meeting No. 1375 and 1376 (one document)/ program minit No.1468/ program minit No.1569/ program minit No.1470/ program minit No.1471/ program minit No.1474/ program minit No.1475/ program minit No.1476/ program minit No.1477.

-The Plaintiff witness 38 – Mr. Imran Khan only recognized the trust deed No.53/ minit of meeting No. 1373 and 1374 (one document)/ minit of meeting No. 1375 and 1376 (one document).

-Thus, the trust deed No.53 was marked as “Pa1” minit of meeting No. 1373 and 1374 (one document) was marked as “Pa2”/ minit of meeting No. 1375 and 1376 (one document) was marked as “Pa3”/ a document related to “Pa 3” was marked as “Pa3 A”.

-The Plaintiff witness 38 – Mr. Imran Khan denied the program minit No.1468/ program minit No.1569/ program minit No.1470/ program minit No.1471/ program minit No.1474/ program minit No.1475/ program minit No.1476/ program minit No.1477 as his signature was not in that documents and he has no personal knowledge about that documents.

Counsel of the 1st accused moved a date for cross examination of the Plaintiff witness 38 – Mr. Imran Khan as the counsel wanted to take further advise from the 1st accused regarding the marked documents “Pa1-Pa3 A” which were given to the accused’s counsel in the morning of that day.

The Plaintiff witness 38 – Mr. Imran Khan was ordered to appear in the court on 09 of August 2024 for cross examination.

The Plaintiff witness No.46 was summoned.

3. Any significant observations inside court room and outside?

4. Next date & time: 2024.08.09

Guidelines / points to consider – before / during / after:

General:

1. Familiarize with the case before going – by reading, asking. Survivors / victim families who go to courts are often good sources
2. Check the language of court hearings – in and around Colombo, it’s a mixture of Sinhalese and English. In North and East, its mostly Tamil
3. Sound system is not good in most courts and observers (public) will find it difficult to listen. Lawyers can be upfront and much easier to listen.
4. Except for lawyers, electronic equipment, bags are not allowed in most court rooms – shops outside offer storage, but at own risk (friendly lawyers can take your phone in, if you have an arrangement to hand over / collect before the trial)

5. Writing notes (with pen on paper) is allowed inside courts, during hearings (This was re-affirmed by three judge bench on 9th January 2020 in High Court no. 3 in Colombo, during trial on Welikada massacre case)
6. Talking is not allowed during the court hearings

Content of report:

7. Write the note the same day (or as soon as possible) - before you forget
8. Whose present in court - try include actual names and positions – but if you don't know and couldn't find out, write as much as you know. Absence of key persons (e.g. one of accused / judge / AG's dept. representative, police etc. is important to be noted. Changes of significant persons are also important to be noted)
9. What happened in actual hearing – try check with other friendly observers, lawyers, survivors / victim families etc.
10. Significant Observations – the atmosphere in and outside the court room can also have a bearing on the case. The way different parties to the case relate to each other, the way supporters of different parties behave, anything that you think may have bearing on the case. Particular attention to any form of intimidation of survivors, victim families, witnesses, lawyers and others.