

Trial Monitoring report

About the case: Hijaz Hisbulla's case

Case no. : HC 78/21

Courts: High court of Puttalam

Date of hearing: 2024.08.09

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 DSG Sudarshana de Silva	
Police (CID / TID etc.)	CID Colombo / TID	
Accused / Suspects	1. Hijaz Hisbulla 2. Mohommad Shakeel	
Lawyers for accused / suspects	For 1st accused – Mr. Chanala Perera AAL with Miss Piyumi Senevirathne AAL For 2nd accused – Mr. A. H Amalthaf AAL under the instruction of Mr. Chaminda Athukorale AAL	
Aggrieved party	-	
Lawyers for aggrieved party	-	
Supporters of accused / suspects	-Sumiri Fernando	
Supporters of aggrieved party	-	
Others	-	

3. What happened in court hearing?

- Counsels for the 1st and 2nd accused said no cross examination for both 1st and 2nd accused.

- Therefore, prosecution witness 38 – Mr. Imran khan was released.

-The prosecution witnesses No.46 was presented as per summons issued in last date. But the prosecution witnesses No.46 had not brought some relevant documents that need for the case. Therefore the DSG Sudarshana de Silva AAL, said they intend to call the prosecution witness No.46 after obtaining and considering the relevant documents of the prosecution witnesses No.46.

-And also the prosecution's AAL requested to summon to the prosecution witnesses No.58 and 59 for next hearing , in case, if the prosecution intends to not to lead the evidence from the prosecution witness no.46 in next time.

-Then after, the learned High Court judge advised, if the prosecution does not proceed to lead evidence from the prosecution witness no.46 in next time, inform it to the honorable court and the prosecution witness no.46.

-The prosecution witnesses No.58 and 59 were summoned.

4. Any significant observations inside court room and outside?

No

5. Next date & time: 2024.10.04

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, it's 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.