

Trial Monitoring report

About the case: Hijaz Hisbulla's case

Case no. : HC 78/21

Courts: High court of Puttalam

Date of hearing: 2024.12.13

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. | Wasana Thisera, State Counsel | |
| Police (CID / TID etc.) | CID Colombo / TID | |
| Accused / Suspects | 1. Hijaz Hisbulla 2. Mohommad Shakeel | |
| Lawyers for accused / suspects | For 1 st accused –Miss Piyumi Senevirathne AAL For 2 nd accused – Mr. A. H Amalthaf AAL | |
| Aggrieved party | - | |
| Lawyers for aggrieved party | - | |
| Supporters of accused / suspects | -Sumiri Fernando | |
| Supporters of aggrieved party | - | |
| Others | - | |
| | | |

3. What happened in court hearing?

The Order delivered by refusing the application made by the Solicitor Deputy General to mark the item No.16 as a production. But the learned High Court Jude did not read out the order fully as the junior lawyers who appeared for the 1st and 2nd accused didn't had the knowledge about the legal background of the order.

State Counsel handed over the two sets of photocopies of the item No.16 to the AALs' of 1st and 2nd accused.

4. Any significant observations inside court room and outside?

No

5. Next date & time: 2025.01.10 for trial

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 reaffirmed 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.