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**REPORT OF THE COMMITTEE OF INQUIRY INTO
INTELLIGENCE COORDINATION AND INVESTIGATIVE
PROCESSES RELATED TO THE EASTER SUNDAY BOMBINGS
OF 21ST APRIL 2019**

September 2024

TO:

Honourable Ranil Wickremesinghe,
The President of the Democratic Socialist Republic of Sri Lanka,
Presidential Secretariat,
Colombo 01.

Honourable President,

The Secretary to the President, on the directions of Your Honour, appointed this Committee of Inquiry by letters dated 12th June 2024 (Annexure I), to inquire into and report on the following matters;

- I. Whether, actions and/or measures have been taken by the SIS, CNI and other relevant authorities on the prior information or intelligence on an impending attack on April 21st, 2019 by Indian Intelligence agencies and any other sources and if so, adequacy of actions and/or measures taken by the State Intelligence Service, Chief of National Intelligence and other relevant authorities;
- II. Why DMI and/or CID believed for four months period of time that Vavunathivu killing of two police officers on November 30th 2018 was aligned with LTTE, and what were the findings of the CID investigation on the aforementioned incident.

The Committee of Inquiry began its work by defining the scope of the Mandates it was tasked to investigate and planning its methodology. 51 witnesses (Annexure II) testified to the Committee. A list of the documents examined by the Committee is annexed separately (Annexure III).

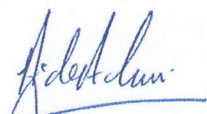
Three officers of the Hon. Attorney General's Department was assigned to the Committee. These officers assisted the Committee by examining relevant documents and witnesses for the Committee's review, under its direction and supervision. Moreover, several witnesses were represented by Counsel attached to respective agencies, which was permitted by the Committee.

Consequent to the conclusion of hearings, the Committee reviewed the recorded facts, reached unanimous findings on the Mandates, and prepared the report.

The Committee observes that only the Report may be made public. However, urges the marked documents to be kept in safe custody as it involves documents relating to National Security.

We are now pleased to submit the Report of this Committee of Inquiry, endorsed by the Committee Members.

On this 14 day of September 2024.



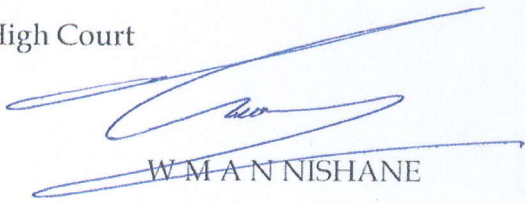
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ACKNOWLEDGEMENTS

The Committee extends its deepest appreciation to its staff and officers of the Attorney General's Department for their unwavering dedication and commitment. Their support was instrumental in helping the Committee reach its findings, prepare the report, and meet the deadline.

Special thanks are due to Ms. Sarathanjali Manoharan, Senior Assistant Secretary to the President, who served as the Secretary to the Committee. Her exemplary performance has been a cornerstone of our success. She meticulously managed the records, ensured their secure and accurate maintenance, and promptly addressed any queries from Committee members throughout its tenure. The Committee cherishes its staff, who despite limited resources, worked to their utmost and with complete dedication.

The Committee is profoundly grateful to Deputy Solicitor General Mr. Sanjewa Dissanayake, for his invaluable contributions. His dedication in assisting the Committee by examining witnesses to inquire into essential facts related to the Mandates was crucial. His extensive experience from the previous Commission and his steadfast cooperation are greatly appreciated. The Committee further commends State Counsels Ms. Deshanthi Thilakaratne and Mr. Arindra Jayasinghe, for their diligent and enthusiastic support.

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Mr. Arindra Jayasinghe	State Counsel
Ms. Deshanthi Thilakaratne	State Counsel

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ABBREVIATIONS

ASP	Assistant Superintendent of Police
ASPs	Assistant Superintendents of Police
CI	Chief Inspector
CID	Criminal Investigation Department
CNI	Chief of National Intelligence
CTID	Counter Terrorism Investigation Division
DIG	Deputy Inspector General
DIGs	Deputy Inspector Generals
DMI	Directorate Military Intelligence
FNA	For Necessary Action
ICM	Intelligence Coordinating Meeting
IGP	Inspector General of Police
ISIS	Islamic State of Iraq and Syria
LTTE	Liberation Tigers of Tamil Eelam
MOD	Ministry of Defence
NSC	National Security Council
NTJ	National Thowheeth Jama'ath
OCNI	Office of the Chief of National Intelligence
OIC	Officer in Charge
OICs	Officers in Charge
OVB	Officers Visiting Book
PA	Personal Assistant
RIB	Register of Information Book
SDIG	Senior Deputy Inspector General
SDIGs	Senior Deputy Inspector Generals
SEMA	Strategic Enterprise Management Agency
SIS	State Intelligence Service
SOP	Standard Operating Procedures
SP	Superintendent of Police
SPs	Superintendents of Police
SSP	Senior Superintendent of Police
SSPs	Senior Superintendents of Police
STF	Special Task Force
TOR	Terms Of Reference
VPN	Virtual Private Network
WP	Western Province
WPFB	Western Province Intelligence Bureau

CHAPTER 1

INTRODUCTION

On Easter Sunday, 21st April 2019, Sri Lanka was struck by a devastating wave of coordinated suicide bombings linked to ISIS. Three churches and three luxury hotels in the commercial capital were violently struck. As the day unfolded, further explosions erupted at a house in Dematagoda and a guest house in Dehiwala. These heinous attacks claimed the lives of 269 individuals, including at least 45 foreign nationals, three police officers, and eight suicide bombers, and leftover 500 injured. The church bombings occurred during Easter services at the Shrine of St. Anthony's in Colombo, St. Sebastian's Church in Katuwapitiya, Negombo, and Zion Church in Batticaloa. The targeted hotels included the Shangri-La, Cinnamon Grand, and Kingsbury situated in Colombo. It was revealed that all eight suicide bombers were Sri Lankan citizens linked to the NTJ, a local Islamist militant group.

Consequently, then-President Maithripala Sirisena appointed a Presidential Committee to investigate the incidents. This committee, in its findings, amongst others recommended the formation of a Commission of Inquiry. Furthermore, on 22nd May, 2019, a Parliamentary Select Committee was established to examine the attacks and report its findings to the Parliament. Following the recommendations from the Presidential Committee, a Presidential Warrant was issued on 21st September, 2019 to establish a Commission of Inquiry to conduct a further investigation into the attacks and to propose appropriate actions.

Into the mosaic of investigations, the current Committee of Inquiry (*hereinafter referred to as the Committee*) was appointed on 12th June 2024. This Committee was assigned to explore two specific Mandates, as elaborated in the following chapter, and submit a report with findings on or before 15th September 2024.

The Committee was authorized to inquire relevant officials and examine documents. Furthermore, the Committee was provided with compact disks, including the "*Final Report of the Commission of Inquiry to investigate and inquire into and report or take necessary action on the Bomb Attacks on 21st April 2019 dated 31st January 2021*", for reference.

The Committee began its operations promptly, holding its first meeting on 14th June 2024 at the 1st Floor, SEMA Building, Presidential Secretariat. Since its inception, the Committee has maintained records of its minutes. After defining the scope of the two mandates and arranging for staff and assistance from the Attorney General's Department, the Committee commenced hearing from witnesses on 03rd July, 2024, continuing until 02nd September 2024. A complete list of the witnesses and documents is appended as Annexure II and Annexure III. After concluding the hearings, the Committee evaluated the facts and reached its findings.

This report is organised as follows. Chapter 2 describes the Mandates of this inquiry; this sets out the scope of the Mandates and the aspects which should be inquired into by the Committee. Chapter 3 details the general duties of several agencies related to the incidents. Subsequent chapters address the findings related to the two Mandates. Accordingly, Chapter 4 describes the actions and measures taken by the key personnel from institutions in relation to the impending attack. Chapter 5 addresses the Vavunathivu killings. The observations, findings and recommendations relating to the Mandates are included within the said chapters.

The Committee submits that the findings on the Mandates were made based on the statements given at the Committee while also being mindful of the testimonies at the Presidential Commission. The Committee has excluded from its consideration the many insinuations made by witnesses professing conspiracies, as its Mandates were limited to inquiring into specific aspects in relation to the attacks.

CHAPTER 2

THE MANDATES OF INQUIRY

The Committee sets out in this chapter the Mandates that have been referred for inquiry. The Scope of the Mandates and the aspects to be explored are explained below.

2.1. BACKGROUND TO THE FIRST MANDATE

The letter of the Presidential Secretariat constituting this inquiry (Annexure I) has produced the following background to the first Mandate, which is produced in verbatim;

“The Final Report of the Commission of Inquiry to investigate and inquire into and report or take necessary action on the Bomb Attacks on 21st April 2019 dated 31st January 2021 states that the State Intelligence Service (SIS), Chief of National Intelligence (CNI) and other relevant authorities have received prior information or intelligence on an impending attack on April 21, 2019 by Intelligence agencies and any other sources”

The first Mandate

The first Mandate is produced below;

“Whether actions and/or measures have been taken by the SIS, CNI and other relevant authorities on the prior information or intelligence on an impending attack on April 21, 2019 by Indian Intelligence and any other sources and if so, adequacy of the actions and/or measures taken by the State Intelligence Service, Chief of National Intelligence and other relevant authorities”

Interpretation of the operative terms

The Committee identified several terms in the Mandate that require to be defined in order to ascertain the limits of the inquiry. Hence the following terms are defined as follows;

- The Mandate is focused on “actions and/or measures” taken by above described agencies. The terms have been defined as follows;
 - I. Actions; a thing done;
 - II. Measures; a step planned or taken as a means to an end.
- Impending was accepted as “forthcoming or immediate”;
- Information was ascertained as “facts which are not processed”;
- Intelligence was defined as “facts which have been analysed and ascertained through an intelligence filtering process”;
- Other relevant authorities were decided to be a reference to every authority to which information regarding the impending attack was disseminated.

Questions of fact to be inquired into and the finding to be reached regarding the first Mandate

The Committee understood that the first Mandate is two-fold;

- i. Initially the Committee is required to ascertain whether actions and/or measures have been taken by SIS, CNI and other relevant authorities on the prior information or intelligence regarding the impending attack on 21st April 2019 by Indian intelligence or other sources;
- ii. If the finding is affirmative to the above, then the Committee is required to evaluate whether the actions and/or measures have been adequate.

The witnesses examined in relation to this mandate is set out in Annexure II.

2.2. BACKGROUND TO THE SECOND MANDATE

Similar to the first Mandate, the Committee was apprised through letters constituting the Committee (Annexure I) the background relating to the second Mandate, which is produced in verbatim as follows;

02. Further, the Directorate of Military Intelligence (DMI) has written to the Criminal Investigation Department (CID) submitting findings with regard to the killing of two police officers in Vavunathivu on around 30th November 2018 that it was believed to have connections with LTTE. However, after four months of the incident DMI has provided two suspects who were believed to have connections with then National Thaowheed Jamath (NTJ).

The second Mandate and its scope

The second Mandate is produced below;

- ii. *Why DMI and/or CID believed for four months period of time that Vavunathivu killing of two police officers was aligned with LTTE, and what were the findings of the CID investigations on the aforementioned incident.*

The Committee observed that, unlike the first mandate, this mandate was straightforward in its terms and did not require any further definition to establish its scope.

The Committee understood that this Mandate requires inquiry into two independent aspects;

- i. Requires to explore why the DMI and/or CID believed for a four month period from the date of the killing (i.e. on 30.11.2019) that the killings were aligned with the LTTE;
- ii. Findings of the CID.

The witnesses examined in relation to this mandate is set out in Annexure II.

CHAPTER 3

GENERAL DUTIES OF SEVERAL AGENCIES RELATED TO THE INCIDENTS

The Committee observed that the following agencies and positions have been involved in respect of the Mandates that were inquired into;

- State Intelligence Service
- Directorate of Military Intelligence
- Chief of National Intelligence
- Inspector General of Police
- Western Province Intelligence Bureau
- Criminal Investigation Department

Therefore, at the outset, the duties and responsibilities of the respective agencies and positions are detailed below.

3.1. STATE INTELLIGENCE SERVICE (SIS)

This is the premier intelligence service in the Island. The SIS is tasked with identifying threats to national security, both domestically and internationally, and collecting, analyzing and disseminating intelligence to counteract these threats.

This is an independent agency which is under the purview of the Defence Secretary. The Committee was apprised at the time of the hearing that an Act was being drafted for the SIS.

During the period in concern (i.e. around 21st April 2019), the agency was under the charge of a Director. There had been eight Divisions during such time to collect information to identify specific threats. Moreover, during the time of the attacks, the agency was comprised with an Additional Director, Several Deputy Directors,

Assistant Directors and other staff assigned to several divisions. It is observed that there had been no specific TOR for any of the positions in the SIS.

3.2. DIRECTORATE OF MILITARY INTELLIGENCE (DMI)

The DMI is the intelligence wing of the Sri Lanka Army. Similar to other intelligence agencies, there appears to be no express statutory recognition given to DMI. The DMI has eight divisions spread across the Island which engage in espionage to acquire information regarding threats and potential threats to national security. The information that is recovered by officers are forwarded to the Directorate which analyses the information and reports to the Army Commander.

The Director at the time had re-structured the agency by implementing a desk system with specialized areas of focus, one of which was Religious Extremism.

3.3. CHIEF OF NATIONAL INTELLIGENCE (CNI)

The position of CNI had been established consequent to a proposal in 2006, during the period of the war to address, amongst others the requirement to specifically co-ordinate intelligence between the intelligence units of the tri forces and joint operations. Further, to formulate a method of obtaining information from defence coordinating officers stationed in Southeast Asian Countries and submit to the Secretary, Ministry of Defence (MOD) and the National Security Council (NSC).

The role of CNI was established initially for specific needs during war time transformed after the end of the war, to coordinate intelligence between all intelligence agencies. However, similar to other intelligence agencies, there had been no specific statutory recognition or regulation for the functions of the CNI. Hence, it had been left open for CNI to act according to practical measures as deemed necessary.

The CNI operates under the MOD and reports to the Secretary, MOD.

3.4. INSPECTOR GENERAL OF POLICE (IGP)

The Police Force is an organised institution with a hierarchy of positions. The IGP is the head of the Sri Lanka Police Force and exercises overall command of the police force.

The commanding structure is designed in a manner where Senior Deputy Inspector Generals (SDIGs) are assigned to nine provinces of the Island. The provinces are managed by Deputy Inspector Generals (DIGs) who oversee a range of police divisions in the province. Such police divisions are supervised by Senior Superintendents of Police (SSPs) or Superintendents of Police (SPs). Under their command are Assistant Superintendents of Police (ASPs) who are in charge of Police Districts. The Police Districts are comprised of local police stations which are headed by Officers in Charge (OICs).

3.5. WESTERN PROVINCE INTELLIGENCE BUREAU (WPIB)

The WPIB is an intelligence unit within the Police structure which is responsible for investigating into threats to national security and disseminating information. The Division reports to the SDIG of the Western Province.

3.6. CRIMINAL INVESTIGATION DEPARTMENT (CID)

The CID is a specialized investigative arm of the Sri Lanka Police. The CID initiates investigations upon the direction of the IGP. Further, the CID shall commence investigations upon written complaints of financial fraud and cybercrime. The CID is replete with powers of arrest.

CHAPTER 4

FINDINGS RELATED TO THE 2ND MANDATE: VAVUNATHIVU KILLINGS

The Present Chapter sets out the facts pertaining to the second Mandate regarding the killing of two police officers in Vavunathivu on 30th November 2018 and the position of the CID and the DMI in relation to the findings of the incident.

4.1. CID INVESTIGATIONS

The Committee was informed that the CID was directed to investigate the killings by the IGP on 1st of December 2018. Accordingly, a fully-fledged team of officers led by SP Jayasinghe had been assigned for the investigations.

The Committee observed that prior to the killings, there had been a conflict between the local Vavunathivu police and a person called Kadiragamar Thambi Rasakumar *alias* Kannan *alias* Ajanthan (*hereinafter Ajanthan*) who had organized Mahaviru celebrations on the 27th November 2018, in the Vavunathivu police area. The OIC of the Vavunathivu police has prohibited these celebrations and he had given permission only to have muted celebrations (lighting lamps only), which had subsequently lead to an altercation between the parties. Subsequently, the OIC of Vavunathivu Police had arrested Ajanthan on 3rd December 2018 at 4.30 PM. The CID Director, Shani Abeysekara had taken cognizance of this situation and subsequently sought a detention order over Ajanthan (C45).

Furthermore, at the instigation of the Vavunathivu OIC, the Kilinochchi Police had arrested Rasanayagam Sarvanandan *alias* Emiyavan, on the basis that he had also been connected to Ajanthan. Thereafter, SDIG-CID Ravi Seneviratne had moved for a Detention Order on said Emiyavan (C44).

Furthermore, the Director, CID, during his testimony stated that they were also of the belief that the killings were attributable to the LTTE in view that the murders concerned two armed police officers. Additionally, the type of injuries had also contributed to the belief. Further, that they relied on the information and intelligence offered by the DMI who suggested that the killings are attributable to the LTTE.

Further, the SDIG-CID, Ravi Seneviratne, had been informed by Director, SIS regarding a suspicious jacket lying in a culvert in the area. The CID investigation team had been present when a police dog had been used to trace the scent from the jacket, which had ended at Ajanthan's house. This fact had also influenced the CID belief.

4.2. DMI FINDINGS

Meanwhile, the DMI had also entered into an investigation inquiring into the incident. The DMI unlike the CID operates surreptitiously and doesn't possess any powers of arrest. The Committee was informed that consequent to the incident, the Army Commander and the Director of DMI at the time had requested the former President, Maithripala Sirisena to convene the NSC in order to obtain directions regarding the incident. Accordingly, the NSC had convened on 05th December 2018 and the DMI had received instructions to collaborate with the CID and inquire into the incident.

Hence, the DMI had sent several reports to the CID regarding the information and intelligence they had recovered pertaining to the killings. The reports are marked as C20A, C20B, C20 B (1), C20B (2), C20C (1), C20C (2), C20D, C20D(1), C20D(C2), C20D(C3), C20D(4), C20E(1). The Committee observed that the reports indicate the killings are connected to the LTTE.

In this background, for the first time, the DMI on 12th April 2019 (C20F) had informed the SDIG, CID, that in fact Rilwan and Army Mohideen connected to the NTJ had conducted the killing of the Police Officers.

The Committee inquired from the former DMI, as to whether there was any belief at any point whether the killings were attributable to the LTTE. The DMI responded stating that as an intelligence agency they don't commit to a position and always investigate with an open mindset. It was his position that from the commencement the DMI had tried to ascertain facts without limiting to one position. However, due to the threat assessment in the area to a certain extent attention had been given to explore whether the killings were done by parties affiliated to the LTTE. Regarding the gap of four months until discovery of the NTJ, the DMI's explanation was that it was attributable to the lack of network they had at the time to elicit the intelligence.

Although the DMI took the position that they had not believed that the killings are attributable to the LTTE, when perusing C20E1 dated 05th February 2019, it is observed that the DMI report to the Army Commander, had among others, strongly suggested that the killings are connected to the LTTE.

OBSERVATIONS

The Committee observes that the CID in respect of the investigations were overly eager to accept the versions presented by local police and the DMI in respect of the investigations. The Committee observed that the CID had failed to conduct a comprehensive investigation into the incident.

The doubts regarding the culprits being connected to the LTTE, is enhanced by the introduction of a jacket to the scene of crime. The SDIG-CID, Ravi Seneviratne and

Director-CID, Shani Abeysekara, both raised concerns before the Committee that they were surprised that the police dog directly went to the house of Ajanthan circumventing the scene of the crime. Despite their concerns, nevertheless, they relied on the information by DMI and local police without doing further investigations.

Moreover, the CID team lead by investigation officer IP Lalitha Dissanayaka, submitted that he had not seen C20F (i.e. the DMI finding regarding NTJ's culpability).

FINDINGS

The Committee submits as follows;

- a. Although the DMI professed that they didn't believe the LTTE was behind the killing, however as borne out by C20E1, it reflects that the DMI had considered the LTTE as the culprits; they have arrived at the position based on their informants;
- b. Despite being well aware of NTJ's activities since around 2015, the SIS failed to share this critical information with the DMI. This lack of communication contributed to the delayed recognition of NTJ as a potential threat;
- c. A period of four months elapsing until the final discovery appears to be a lack of network in the area belonging to the DMI to elicit information;
- d. The CID had relied on the findings of the DMI and the information from the local police; they had also considered that an attack of such a scale could only be done by members connected to the LTTE;
- e. However, it was later established that the Vaunathivu killings were carried out by NTJ, not the LTTE, with the credit for this discovery owed to the agencies that followed up on the emerging intelligence.
- f. The CID had failed to investigate into the information which was at least shared on 12th April 2019 attributing the killings to LTTE;

- g. The Committee submits that rather than for the failure to arrest relevant persons, the Committee reproaches the manner of the investigation by CID where they have not exhibited due diligence in their investigations

RECOMMENDATION

SDIG-CID Ravi Seneviratne and Director, CID SSP Shani Abeysekera should be prosecuted by the relevant authority under the relevant provisions of the Penal Code for their negligence in conducting investigations.

CHAPTER 5

FINDINGS RELATED TO THE 1ST MANDATE: EASTER ATTACK

This chapter addresses the first mandate, detailing the actions and measures taken by key officials in relevant agencies. The chapter examines the conduct of relevant officials along with the Committee's findings pertaining to adequacy and making recommendations regarding their actions.

5.1. MR. NILANTHA JAYAWARDENA, FORMER DIRECTOR, SIS

OBSERVATIONS

He was the Director, SIS from 3rd March 2015 to 2019 December. He submitted that, on 04th April 2019, through WhatsApp, he received intelligence (C8) from his Indian counterpart regarding the attacks by members of National Thowheeth Jama'ath (NTJ) on important churches and the Indian High Commission. He had asked the information to be sent in writing as well (C9). Upon receiving the intelligence, he had also commenced to verify the intelligence by using his resources and confirming the intelligence. Further, it was observed that he had been aware of the potential threats by Zahran, and his associates prior to the Easter attacks which he had disseminated by numerous reports to IGP, Pujith Jayasundara dating back to at least 20th April 2016. Similarly, the Secretary of Defence had also been made aware. SDIG, CID Ravi Seneviratne had also been informed of a list of names, including Zahran, for purposes of the arrest.

Upon receiving the intelligence and conducting his analysis, he submitted the information initially in writing dated 07th April 2019 to the CNI, Sisira Mendis (C11). It is observed that the disseminated information produced the WhatsApp message which bears information regarding the planned attack

and suspects and the concerned places. Thereafter, he had also alerted the Secretary, MOD, Hemasiri Fernando regarding the intelligence.

Further, his position was that at the Intelligence Coordinating Meeting (ICM) held on 09th April 2019, he had not been questioned regarding the information he provided to CNI by aforesaid letter. However, after the meeting, the Secretary, MOD had questioned him regarding the intelligence to which he had responded that further inquiries are being made and he expects to report the outcome to the IGP and CID. Moreover, he had discovered a motorbike explosion on 16th April 2019 conducted by an associate of NTJ in Thalankuda, Palamunai as a dry run in preparation for the attack. This had also been shared by a report dated 19th April 2019 to IGP and SDIG, CID (C13).

Regarding the impending attack, he submitted that his counterpart had divulged information on two occasions, during the evening of 20th April 2019 and the morning of 21st April 2019.

He had taken the following actions regarding the information on 20th April 2019;

- a. Disseminated the information from the WhatsApp message from the Indian Counterpart to the Secretary, MOD (C15), SDIG-CID (C16), CNI (C18) and IGP (C19);
- b. He had over the phone informed the IGP, who had directed him to inform Western Province (WP)-SDIG, Nandana Munasinghe; Accordingly, he had called and informed said WP-SDIG around 5.55 p.m.; Then he had informed DIG-Colombo Range, Pathinayake, and also informed SDIG-Special Task Force (STF), Latheef.

Thereafter, on 21st April 2019, he had received further information from his counterpart in India. The following actions were taken in respect of such intelligence;

- a. Disseminated the information to SDIG-CID via WhatsApp (C17);
- b. Called DIG-Colombo Range, Pathinayake and SDIG, Nandana Munasinghe and Secretary, MOD.

He submitted that he had no restrictions from informing the Catholic Priests and the Cardinal.

FINDINGS

The Committee arrived at the following findings;

- a. He had considered his role being fulfilled upon disseminating the information. Accordingly, he had disseminated the information regarding the initial communication and then the intelligence regarding the impending attack to the Police and his superiors;
- b. However, he had not been able to inform the former President regarding the impending attack;
- c. He had not shared information regarding the attack with the Tri-forces. He continued to rely on the Police to prevent and/or mitigate the impending attack, when the police had not even been able to arrest the suspects after sharing intelligence for a long period;
- d. He had not considered alerting the Tri-forces when being informed of the impending attack in order to mitigate the disaster;
- e. He had not shared the information with the other intelligence agencies of the Tri-forces at the ICM on 09th April 2019. He failed to exercise caution by sharing the information which would have assisted a more cohesive investigation than overly relying on the Sri Lanka Police in view of their shortcomings;
- f. Moreover, the SIS functions as an independent institution under the MOD; hence the SIS is not impeded with institutional formalities and is expected to function swiftly by sharing information with all relevant parties. Hence, the Director, SIS is responsible to ensure that the

information and/or intelligence is shared with all relevant parties who can avert a disaster;

g. Therefore, the Committee finds that the actions by him are inadequate.

RECOMMENDATIONS

The Committee recommends that the Director, SIS should be prosecuted under a suitable provision in the Penal Code by the relevant authority.

5.2. MR. NANDANA SISIRA MENDIS, RETIRED DIG, FORMER CNI

OBSERVATIONS

He held the post of CNI from July 2015 up-till July 2019. The Committee was informed that when he was appointed, he had not been given any duty list. He had accordingly been left to devise a practice of his own. As CNI, he was accountable to the Secretary, MOD. Further, he had access to the Minister of Defence who was the former President. He had understood that his role was to facilitate and or coordinate the intelligence between the intelligence agencies.

In respect of coordinating intelligence, he informed the ICM gathered on a weekly basis to discuss the intelligence pertaining to national security.

However, during the period from July 2015 up-till the attacks in 2019, the meetings had not regularly occurred.

Regarding the concerned intelligence relating to the attacks, he submitted that on 7th April 2019, he was informed by the Director, SIS, Nilantha Jayawardena regarding the intelligence he had received from India relating to the attacks who had sought further instructions from CNI (C11).

Regarding such intelligence, he had informed the Secretary, MOD, Hemasiri Fernando on 8th of April 2019 Afternoon and suggested it to be disseminated

to the Sri Lanka Police. The Secretary, MOD had informed him to send the intelligence information to the Police.

Subsequently, the ICM had gathered on 9th April as a matter of routine. This meeting was also the first meeting that the ICM gathered after the Secretary, MOD and CNI were informed by the Director, SIS shared aforesaid intelligence. The Committee was informed that at the ICM, the IGP had been seated next to the CNI.

At the meeting, CNI had enquired from the Director, SIS, Nilantha Jayawardena regarding the letter dated 07th April 2019 to which the Director had replied that he had informed the IGP after further clarifying the intelligence.

The Committee shall now address the actions of CNI regarding the impending attack. The Committee observed that the CNI with regard to the WhatsApp messages marked C18 and C19, admitted that the messages had been delivered to his phone on 20th April 2019. However, he had not checked his mobile during the evening of 20th April 2019. Moreover, on the following day (i.e. on 21.04.2019) he had accompanied his wife to St. Theresa's Church at Thimbirigasyaya, oblivious to the danger lurking in the background.

Further, he submitted that his mobile had been kept in the car, hence he had not seen the WhatsApp messages.

FINDINGS

The Committee reviewed the facts and arrived at the following findings;

- a. The SIS Director by letter dated 07th April 2019 had sought instructions from the CNI. In response, he had informed the Secretary, MOD, Hemasiri Fernando and suggested the information to be handed to the

- Sri Lanka Police; Accordingly, the action he had taken had been to pass the information to the IGP;
- b. Although the CNI considered it necessary to inform the IGP and although the IGP was present at ICM on 09th April 2019, however, the CNI had not even taken steps to informally inform the IGP regarding the intelligence shared by the Director, SIS;
 - c. The Committee also observes that the CNI had been under the apprehension that as SIS has the ability to directly report to the police his intervention in this regard is not necessary. The Committee finds that the CNI had not been properly mindful of the position of CNI and hence failed to appreciate the important role that the office of CNI was required to demonstrate in view sharing, coordinating and analysing intelligence;
 - d. The Committee observes that although his post and office had not been properly regularized, it was his responsibility to duly ascertain the scope, function and role expected by his office;
 - e. As a result, the services of an office with the capacity and potential in the bare minimum to monitor and follow-up on the intelligence were not utilized;
 - f. Hence, the Committee finds that the CNI had failed to take adequate measures and/or steps to disseminate the information as well as take steps to monitor and follow up on the intelligence.

RECOMMENDATION

The Committee recommends that **criminal action should be instituted against him for negligence under suitable provisions in the Penal Code by the relevant authority.**

5.3. MR. HEMASIRI FERNANDO, FORMER SECRETARY OF DEFENCE OBSERVATIONS

He was appointed as the Secretary, MOD on 30th October 2018 and functioned in office during the period of the unfortunate attacks.

He submitted that he had participated in four NSC meetings in the five-month period prior to the attacks. He explained that the NSC was presided by the Hon. President and summoned upon his directions. He explained that the NSC Meetings didn't take place regularly due to strained relationship between the President and the Prime Minister.

In contrast, the ICM had happened regularly on every Tuesday at the time. However, he had not been able to participate for every such meeting due to intervening in official work.

He admitted seeing C8. His position was that the CNI, Sirisa Mendis had, however, informed that the attack was not confirmed information. He had directed the CNI to place this on the agenda for the ICM scheduled to be held on the following day (i.e. on the 9th of April 2019).

He submitted that the Director, SIS, Nilantha Jayawardena addressed the said ICM meeting. However, the Director, SIS had not mention regarding the intelligence at the said meeting. As the information had not been shared, he had enquired from the SIS, Director as to why the information was withheld. The said Director had replied that since the information was not confirmed he didn't want to share it with the assembly.

It was also observed that the MOD had been informed of the explosion at Kattankudy on 16th April 2019.

In respect of the impending attack, he admitted seeing C15 on the evening of 20th April 2019, and responding "*well received*". Furthermore, he had also been

told that the IGP, Pujith Jayasundara had not taken the information with much gravity when informed by the Director, SIS. Hence, he had been asked to speak to the IGP. He had inclined with the request, and the IGP had responded saying that necessary action is being taken.

Moreover, immediately prior to the attack, on 21st April 2019, the Director, SIS, Nilantha Jayawardena had contacted him and informed that a main Methodist Church in Colombo will be under attack and asked whether he is aware about the location of a Methodist Church in the area which he had not been aware of.

FINDINGS

The Committee reviewed the facts and reached the following findings;

- a. The Secretary, MOD is not a token position and plays a significant role regarding administration which plays a pivotal role in coordinating and functioning of the Security of the Country. In respect of intelligence pertaining to national security, this position is vital in presiding over the ICM and facilitating to report the findings or information to the NSC;
- b. The lack of seriousness given to the information is attributable for not taking steps to inform the President regarding the developments;
- c. Although the initial information may not be precise as to the attack in terms of date and exact places regarding the churches, since it relates to national security, the Secretary should have taken a proactive role in facilitating a meeting of the NSC. The Committee observes that this would have ensured a meeting of minds of the executive and given gravity for devising stringent measures to apprehend the suspects;
- d. The failure to have facilitated a platform to take cohesive decisions, transfers to the actions regarding the impending attack. On 20th April

2019, the only significant thing the Secretary did upon being alerted regarding the attack was make a call to the IGP and satisfy himself on the assertion of the IGP that actions are being taken;

- e. When concerned with an impending attack, while complete prevention is ideal, at least steps should be taken to mitigate the damage. In such situations, practical measures have to be taken based on the power of the position that one holds. It begs the reason why immediately a conference of the police (not restricted to the IGP) and the Tri-forces were not called in addition to alerting the former President and the Prime Minister. Hence, the Committee finds that the former Secretary, MOD had failed to take diligent action regarding the attacks and his conduct had not been adequate.

RECOMMENDATION

The Committee recommends that the **former Secretary, MOD should be prosecuted under suitable provisions in the Penal Code for negligence by relevant authority.**

5.4. MR. PUJITH SENADHI BANDARA JAYASUNDERA, RETIRED IGP

OBSERVATIONS

The Committee observed that in 2016, Mr. Pujith Jayasundera was appointed as the IGP of Sri Lanka. He continued to function as the IGP at the time of the attack.

Although the Mandate questions regarding the Impending attack, preliminarily the Committee considered it necessary to review the immediate background leading to the incident.

The Committee observed that he had been aware of Muslim extremists and the following related incidents connected to Zahran Hashim and his cohorts;

- I. The clash between two religious factions on 10.02.2013 at Aliar Junction, Kattankudy, Batticaloa;
- II. The destruction of sacred Buddhist Statues at Mawanella during the period from 23rd to 26th December 2018;
- III. Recovery of explosives from Vanathavilluwa on 16th January 2019.
- IV. The explosion of a motorbike on 16th April 2019 in Thalankuda, Kattankudy, conducted as a dry run.

Regarding these incidents his position was that he directed the CID to commence investigations. Further, he admitted that SIS had sent numerous reports regarding Zahran and his associates. The Committee observes that he had been sufficiently alerted regarding brewing extremist activities in the Island.

In this context, he admitted that by letter dated 09th April 2019 **C11B** he had been made aware regarding the possible attacks by CNI. Further, he admitted that the CNI had also alerted by letter dated 09.04.2019 (**C11B1**) and additionally placed a minute "*It is important to alert the law enforcement agencies to be vigilant confirming the information*". Hence, it is observed that he had sufficiently received credible information regarding a planned attack by the NTJ led by Zahran and his associates.

Based on the intelligence received, he had determined that the appropriate course of action was to refer the information to a special team of officers for investigation and to apprehend the relevant suspects. Hence, he had assembled a team of officers who had been alerted to take necessary actions by placing a note written as *F.N.A.* (**C11D**). It is observed that this is the action and/or

measure that the former IGP had considered to be adequate to take in view of the information. Furthermore, in explanation of his decision, he also submitted that he did not take steps to immediately alert all police stations as at the time there was a rift between him and the former President, and he was concerned about being reproached if the alert caused public distress.

The Committee also observed the numerous occasions he had met the president during this period leading to the attacks. He had accompanied the President to the Eastern Province on 12th April 2019 as well as paid a visit to greet the President on the occasion of the Sinhala Tamil New Year. Furthermore, on 16th April 2019, he had accompanied the President, who departed for India and then to Singapore. Although he informed that there was a breakdown of cordial relationship between him and the President during this period, nevertheless it appears that they still had interactions and hence it wasn't as if he was totally excluded from confiding the intelligence received regarding the attacks.

He further submitted that he had seen the three written reports of the Director, SIS dated 18th April 2019 (C10A), 19th April 2019 (C13) and 20th April 2019 (C14A) pertaining to Zahran, only after the Easter Attacks. He admits that he signed the letters (two of which had been sent to his official residence) after the attacks. His position regarding the delay of viewing the documents was that since the reports had been sent routinely he had considered them as any other ordinary correspondence. Moreover, the Director, SIS not specifically calling and alerting him regarding the reports further contributed to the delay in referring the reports prior to the incident.

Regarding the impending attack, he submitted that on 20th April 2019, he had only received a telephone call from the SIS, Director, Nilantha Jayawardena, which mentioned only a probability of the attack, not its certainty. He categorically denied receiving the WhatsApp Message (C19). He concedes that

the said Director called in the morning on the following day (i.e. 21st April 2019), however, similar to the previous call there was no certainty of the attack. He denied the contrary version of the SIS, Director's version regarding the precision of the communication about the impending attack.

FINDINGS

The Committee arrived at the following findings;

- a. He had been aware of Zahran Hashim and Muslim extremism prior to the attack;
- b. The initial intelligence received from Indian Intelligence, forwarded to him by the Director, SIS, Nilantha Jayawardna, and CNI, Sisira Mendis, gave credible information to immediately apprehend Zahran and his associates;
- c. The decision of the IGP to merely refer the said intelligence to a specially assembled team appears to be the only action and/or measure taken by him;
- d. The said decision lacks any pro-active approach. Matters of national importance regarding national security, have to be considered with severe gravity. The Sri Lanka Police is not a conventional department doing an office job and is expected to take a more pro-active approach when dealing with matters of security;
- e. Moreover, he had abdicated his powers by completely being over-reliant on the delegation assembled to investigate the information and expecting such as the STF Commander to alert the officers on the ground. He had omitted to follow up and/or monitor the progress regarding operations and exert sufficient gravity and interest regarding the intelligence;
- f. Although the IGP was apprised that Zahran and his associates are affiliated to Batticaloa District, he had failed to share this information

- with the SDIG, Eastern Province and has been heavily reliant on the officers assembled by him mentioned in the preceding section;
- g. The office of IGP is indeed a busy position. However, as he had been sufficiently apprised regarding the possibility of an attack by the aforesaid intelligence, he should have been more mindful and alert regarding the threat. The lackadaisical approach ultimately resulted in missing the reports regarding the attacks disseminated by intelligence until after the incident;
 - h. Although the former IGP mentioned there was a rift between him and the former President, it appears that he was not completely excluded from interacting with the former President. Hence, he had failed to share the intelligence with the former President being the highest authority of the Country;
 - i. Furthermore, it is apparent that his conduct during the period when he was informed about the intelligence from India was influenced by his cautious approach due to the breakdown in his relationship with the former President. This reflects a high degree of a self-interested approach in fulfilling the duties of the office of IGP, rather than making decisions in the public interest;
 - j. The position of the former IGP that the Director, SIS did not state with any certainty regarding the attacks is untenable. Supposing that the position of the former IGP is true (i.e. whether the Director, SIS didn't sufficiently alert him regarding the impending attack on 20th and 21st April 2019), nevertheless, the said Director had sufficiently informed him regarding the initial receipt of Indian intelligence by letter dated 09.04.2019. The former IGP had responded to this by assembling a team as mentioned in preceding sections. The lack of any follow-up and monitoring the progress of investigations and expecting his delegation to inform him is very reckless;

- k. In any event, according to the former IGP's version, at least he was informed about the probability of an attack at least by 20th April, which still gave sufficient time to prevent or at least mitigate the disaster. There is no justifiable basis for the IGP to completely disregard this information and not devise any measures to address the situation; the ability to not identify the disaster and react is gravely concerning and reflects high ineptitude;
- l. In totality the Committee finds that the former IGP had sufficient information to prevent or at least mitigate the attacks. However, the actions and measures taken by him as described above are insufficient and inadequate.

RECOMMENDATIONS

The Committee recommends that he had knowledge of the attacks, which were so imminently dangerous that they would likely cause death or serious bodily injury. Therefore, the Committee recommends that **the former IGP should be indicted under relevant provisions of the Penal Code by the relevant authority.**

5.5. MR. NANDANA MUNASINGHE, FORMER WP-SDIG

OBSERVATIONS

He was appointed to the post of WP-SDIG in 2016 and functioned at the said post at the time of the incident. The Committee observed that as the WP-SDIG he was in-charge of the Western Province. The Western Province was under the command of four DIG ranges. He submitted that he was aware of Muslim extremism from 2018.

Regarding incidents leading to the impending attack, he submitted that on 09th April 2019, his office had received information from the IGP regarding the

attacks (C11-C1). As he was not in the office at the time, his personal assistant had read the content of the letters to him over the phone. He had decided to attend to the matter on the following morning (i.e. 10th April 2019).

Upon returning to the office, he had drafted a letter (C26A) with instructions to his four DIGs. The instructions, amongst others, mentioned to tighten security for the churches and conduct the investigations without alarming the public. He further submitted that since the letter (C11C1) had endorsements "*top secret, eyes only*" he had kept it in his personal custody. He stated that it was given to the CID after the attack.

Regarding the impending attack, the Committee observed that on 20th April 2019 he had been informed by the Director, SIS, Nilantha Jayawardena. Additionally, SDIG-CID, Ravi Seneviratne had also called him. He had thereafter alerted his DIGs. Furthermore, he had called Division-SSP Negombo, Chandana Athukorala considering it a predominantly catholic area. He had again called the DIGs on the following morning.

FINDINGS

The Committee reached the following findings;

- a. He had given general instructions to his subordinates. However, the instructions have been confined to written instructions and he had not considered it necessary to gather his officers and plan a coordinated response to the attacks;
- b. His indifferent approach, is reflected by his failure to conduct follow-up actions regarding measures to tighten security;
- c. Further, in response to the impending attack his response had only been dispatching isolated directions to his DIGs as opposed to convening a conference with the subordinates and taking stringent

measures; this is concerning since he is an experienced officer who had served during the war against the LTTE;

- d. After being informed of the impending attack, he had failed to inform WPIB which was under his supervision. Whether the WPIB would have been able to detect the suicide cadres lodging around Colombo prior to the attacks, is beside the question as what's more prudent during a crisis is to deploy all resources to mitigate danger.

RECOMMENDATIONS

The Committee recommends that he should be prosecuted for negligence under suitable provisions in the Penal Code by the relevant authority.

5.6. MR. B A E PRASANNA, FORMER DIRECTOR WPIB

OBSERVATIONS

He served as the Director of WPIB at the time of the attack. He had received (C29B) from acting DIG, Ajith Rohana regarding the planned attacks. He had convened a meeting with his officers and tendered copies of the information and instructions (C35).

FINDINGS

The Committee considered that although he had kept instruction classes there had been no serious impetus by him to utilize his officers to detect the suicide cadres.

RECOMMENDATION

The Committee recommends disciplinary action against him by the relevant authority.

**5.7. MR. LALITH SHELTON PATHINAYAKE, FORMER DIG -
COLOMBO RANGE**

OBSERVATIONS

The Committee was informed that at the time of the incident, he had been the former DIG of Colombo range. The Committee was initially informed regarding the actions taken by the witness regarding intelligence received prior to the attack.

The Committee was informed that he had been on leave when his office received the instructions (C29B) from WP-SDIG, Nadanda Munasinghe. Hence it was received by the acting DIG at the time.

Upon resuming duties, he had enquired what steps had been taken in respect of C29B from his Personal Assistant. He has been informed that all divisions had been informed. He had informed that SSP, Nishantha De Zoysa was the only one who had reported regarding the actions taken by him in respect of the information.

Thereafter, regarding the impending attack, he submitted on 20th April 2019 around 6.00 PM, WP-SDIG, Nandana Munasinghe had informed that there is a danger of an impending attack on Catholic Churches. Further, on the said date he had also been informed by the Director, SIS, Nilantha Jayawardena regarding the attacks. The intelligence revealed to him that the attack could occur in the evening of 20th April 2019 or on the following day (i.e. 21st April 2019). He mentioned that the information was related to churches and not hotels.

In view of the information, he had instructed the SPs attached to his three divisions (Colombo Central, Colombo South and Kalutara) to deploy security to the churches in the area and especially to the Indian High Commission.

Thereafter, he had checked on the situation only on the following morning (i.e. 21.04.2019) and been satisfied that his subordinates had taken measures to tighten security. However, the reality was that at the time of the attack, St. Anthony's Shrine at Kotahena had no security at all, let alone tightened security.

FINDINGS

The Committee arrived at the following findings;

- a. He had considered that the post of DIG is not responsible for devising measures for implementing the instructions given by WP-SDIG. Hence, it was his position that suitable actions and measures have to be taken by his subordinates;
- b. In response to the impending attack, he had considered that making calls to SSPs under his command and again following up on the morning was sufficient; while it may address any ordinary situation, however, the approach is reproachable in view of matters concerning national security; the situation required going beyond standard protocols;
- c. As such the Committee finds that merely relying on the information given by his subordinates was fatal as exhibited by the absolute lack of security provided to St. Anthony's church, despite the assurances by the said official that security had been provided.

RECOMMENDATION

The Committee recommends that **he should be prosecuted for negligence under suitable provisions in the Penal Code by the relevant authority. Moreover, disciplinary action may be initiated against him by the relevant authority.**

5.8. MR. SANJEEWA BANDARA, FORMER SSP COLOMBO NORTH OBSERVATIONS

He was the SSP of Colombo North Division from 03rd April 2019 up until 21st April 2019. He submitted that had not seen the instructions pertaining to the attacks (C29B, C29C, C29D) and the information document by IGP (C29D). However, he had seen these letters following the attack.

Despite his version regarding not seeing the documents, he had at least on 20th April 2019 around 7.00 PM been informed by DIG, Pathinayake regarding the impending attack. Accordingly, he had been instructed to increase the security of churches. His testimony was that he had not been alerted that the attack was going to be a bomb blast.

Furthermore, his position was that although on 8th, 9th, 16th and 17th SIDG-WP, Nandana Munasinghe, DIG, Pathinayaka, and IGP, Pujith Jaysundara has held meetings, however, he had not been alerted regarding the attacks.

FINDINGS

The Committee submits the following findings;

- a. The Committee is unable to agree with the officer that he did not see the information regarding the attack when his other SSPs had in fact seen the documents;
- b. Moreover, even after a telephone call by SDIG, Pathinayaka on 20th April 2019, the security had not been strengthened in the area under his supervision; Eventually, St. Anthony's church instead of increased security did not even have routine security;
- c. The Committee was also mindful of the proceedings against him at the Presidential Commission; it was observed that subsequent to the

incident he had attempted to tamper with the inward books of police stations;

- d. The Committee finds that the actions taken by this witness to prevent the attack and/or mitigate the damage are grossly inadequate.

RECOMMENDATIONS

His conduct is negligent and demonstrates rash behaviour despite having knowledge of imminent attacks, which were so dangerous that they were likely to cause death or serious bodily injury. The Committee recommends that **he should be indicted under suitable provisions in the Penal Code as well as Disciplinary action should be taken against him by the relevant authority.**

5.9. MR. R M SARATH KUMARASINGHE, ACTING OIC, FORT POLICE STATION

OBSERVATIONS

The Committee was informed that he had assumed duties at the Fort Police station only four months prior to the attack on 21st April 2019. He had been the acting OIC at the said Police Station at the time of the incident.

He submitted that on 20th April 2019, he arranged an instruction class in response to C11B. Thereafter, during the evening of said date, the acting Division SP had informed him to provide security to Churches and place roadblocks and conduct inspections.

Although he was alerted of the foregoing, he had only informed the duty officer that evening and retired to rest.

RECOMMENDATION

The Committee recommends that he should be prosecuted for negligence under suitable provisions in the Penal Code by the relevant authority.. Moreover, disciplinary action may be initiated against him by the relevant authority.

5.10. MR. MAHINDA SAGARA WELEGODA LIYANAGE OIC, FORT POLICE

OBSERVATIONS

The Committee was informed that he was the OIC of Fort Police Station from 2017 onwards.

He had duly received the instructions dispatched by WP-SDIG, Nandana Munasinghe. Further, he had participated in a meeting held by SSP, Upali Jayasinghe on 13th April 2019 where he had been alerted regarding the threat as well as seen a photograph of Zahran. Despite the awareness, he had not taken steps to inform the intelligence officers attached to his police station. Furthermore, on 19th April 2019 he had gone on leave.

FINDINGS

The Committee considered that admittedly he had not been aware of the impending attack. However, he was sufficiently informed regarding a possible threat in the preceding period. Despite this, he had decided to opt for leave.

RECOMMENDATION

The Committee recommends to initiate disciplinary action against him by the relevant authority.

**5.11. MR. T M W DESHABANDU THENNAKOON, FORMER DIG,
COLOMBO NORTH**

OBSERVATIONS

The Committee observed that he was the DIG Colombo North at the time of the attack. He had received the instruction from WP-SDIG, Nandana Munasinghe with initial information regarding the attack (C8). He had made a cover letter marked C36 with C8 and dispatched it to SSP, Chandana Athukorale and ASP Sisila Kumara on 12th April 2019. Afterwards, the officer had thought it fit to apply for leave from the 19th to the 21st April 2019. However, prior to going on leave, he had not followed up with his subordinates regarding his instructions.

FINDINGS

The Committee reached the following findings;

- a. The suicide cadre who attacked the Church at Katuwapitiya took a temporary abode near the church. In view of being alerted regarding the attack, as a superior officer, he should have taken steps to ensure tighter security in the area under his control;
Dispatching instructions doesn't provide a valid basis for a superior to be satisfied that actions are in fact being taken by his subordinates; hence, he should have been mindful to monitor the situation;
- b. The decision to go on leave despite the absence of an assurance that security is tightened in his area demonstrates a lack of disregard to the intelligence.

RECOMMENDATION

The Committee recommends to initiate disciplinary conduct against him by the relevant authority.

5.12. MR. CHANDANA ATHUKORALA, SSP, NEGOMBO DIVISION

OBSERVATIONS

The Committee observes that he had served in the Negombo from 13th December 2017 until 20th June 2019. In view of C26A prepared by DIG-WP, Deshabandu Tennakoon, he had prepared C27A and disseminated it to all the ASPs, OICs, and Intelligence officers under his division. Furthermore, he had advised his subordinates to investigate and be on alert without causing distress to the Catholic Priests. His position was that had the information been false, then the rebuke and damage to police shall be immense. He submitted that he was unaware of the Katuwapitiya Church although it was in his jurisdiction.

He had not called for special reports from his subordinates and as a matter of routine spoken to his officers when they called to give him the situation report every morning. Further, he submitted that SDIG-WP, Nandana Munasinghe, contacted him on 20th April 2019 around 7.30 PM and informed him that there could be an attack in the area.

FINDINGS

The Committee considered as follows;

- a. Although he had disseminated information to his subordinates, however, there had been no special measures considered by him, especially in view of the demographics in the area;
- b. The information had been disseminated as a matter of routine and discussions with his subordinates didn't reflect any gravity to the information;
- c. In response to the impending attack, he had not taken any special measures to tighten the security in the area and simply considered that the onus was on the OICs to devise suitable measures.

RECOMMENDATIONS

His conduct is negligent and demonstrates rash behaviour despite having knowledge of imminent attacks, which were so dangerous that they were likely to cause death or serious bodily injury. Hence, it is recommended to **indict him under suitable provisions in the Penal Code by the relevant authority.**

5.13. MR. B H S S SISILA KUMARA, FORMER ASP KATANA

OBSERVATIONS

The Committee observed that he had functioned as an ASP in charge of Katana, Divulapitiya, Kotadeniyawa at the time of the attacks. On or around 13th April 2019, he had read the instructions by WP-SDIG, Nandana Munasinghe regarding the planned attacks. Thereafter, he had gone on leave and returned on the 18th or the 19th April 2019. When he had made routine visits to Katana Police Station he had noticed the instructions forwarded to Katana station laying idle at the OIC's table.

FINDINGS

The Committee observed he had received sufficient instructions to increase the strength of security around churches. Though he had sufficient personnel to be deployed for the protection of the churches, he had failed to take any action on strengthening protection.

RECOMMENDATIONS

The Committee recommends **prosecuting the witness under the relevant provisions of the Penal Code by the relevant authority for negligence and subjecting him to disciplinary action concerning the discharge of his duties.**

5.14. MR. KOSALA CHAMINDA, OIC KATANA

OBSERVATIONS

He had been the OIC at the time of the incident attached to Katana Police Station. His police station had been assigned five intelligence officers. He had been aware that there had been around thirteen churches in the area.

He submitted that on or around 13th April 2019, he had received the instructions regarding the planned attacks (C26 and C27). He had requested the intelligence officers attached to his station to report back to him regarding the intelligence. Thereafter he had taken measures to hold an instruction class on 20th April 2019.

On 20th April 2019, the SSP at the time Chandana Athukorala had instructed him to increase security in the area.

FINDINGS

The Committee arrived at following findings;

- a. The officer had failed to exercise due care over the information he had received regarding the planned attack;
- b. When being asked to increase security on 20th April 2019, he had failed to assess the instructions in relation to the impending attack;
- c. He had accordingly totally failed to take any reasonable steps to increase security in the area.

RECOMMENDATION

His conduct is negligent and demonstrates rash behaviour despite having knowledge of imminent attacks, which were so dangerous that they were likely to cause death or serious bodily injury. Hence, it is recommended to indict him under suitable provisions in the Penal Code by the relevant authority..

5.15. MR. D W R B SENEVIRATNE, FORMER SDIG, CID

OBSERVATIONS

The Committee observed that he functioned as the SDIG, CID at the time of the incident. The post of SDIG, CID is the head of CID. The Committee observed that this witness had been aware regarding the conduct of Zahran and NTJ as he had initiated following investigations;

- Killing of two police officers in Vavunathivu on 30th November 2018;
- The clash between two religious factions on 10th February 2013 at Aliar Junction, Kattankudy, Batticaloa;
- The destruction of sacred Buddhist Statues at Mawanella during the period from 23rd to 26th December 2018;
- Recovery of explosives from Vanathavilluwa on 16th January 2019;
- The explosion was conducted as a dry run at Palmunai, Kattankudy on 16th January 2019.

The Committee observed that this was the background in which he was notified regarding the pending attack by Zahran as described below.

The SIS, Director, Nilantha Jayawardena, had sent his briefing to the IGP regarding the initial information pertaining to the attack (C12A) to his office as well. Upon returning from overseas, he had seen the letter on 16th April 2019. Thereafter, only on 19th April 2019, he had directed his immediate subordinate DIG-CID, to report back before 01st May 2019. The Committee observed that DIG-CID had only received the said letter bearing the directions on 22nd April 2019, after the explosions.

Regarding the impending attack, he admitted that on 20th April 2019 at 17.47 hours, he received a WhatsApp message from the Director, SIS, Nilantha Jayawardena (C16). Further, he had received a call from the said Director

where he was informed that the IGP was not paying much attention to the intelligence. Subsequently, he had called the IGP and SDIG-WP, Nandana Munasinghe. Further, on 21st April 2019, at 8.27 AM, Director, SIS had sent a WhatsApp message (C17) detailing the impending attack. Shortly afterwards the explosions occurred.

FINDINGS

The Committee finds that;

- a. He had been aware regarding Zahran and his associates and that the CID had been in search of him for arrest;
- b. In this background, despite the information, they were unable to arrest and discover the associates of NTJ prior to the explosions; further, he was late to distribute the information C12A to his immediate subordinates to take action;
- c. Being the premier investigative arm of the Police with powers across the Island, and despite personally being aware of the conduct of Zahran, NTJ and even after being informed of preparations regarding the attack, the CID was unable to discharge their duties effectively to prevent the attacks;
- d. Although the CID is unable to mitigate the immediate attack, however, the failure to arrest NTJ associates culminated in the eventual attack.

RECOMMENDATIONS

The Committee recommends that he should be prosecuted for negligence under suitable provisions in the Penal Code by the relevant authority.

5.16. MR. M. LATHEEF, FORMER STF COMMANDER

OBSERVATIONS

He had been the STF, Commander at the time of the attacks. As per the testimony of the IGP, the Committee observed that the IGP had disseminated information received by the Director, SIS to him as well.

The Committee considered that it was necessary to hear his testimony as he was considered a relevant authority to whom the intelligence had been disseminated, which is part of the first Mandate the Committee is required to inquire. However, although the Committee summoned him to give evidence, he refused to attend. The Committee was informed by its Secretary that he was given three opportunities to visit, as well as was given the opportunity to attend *via* WebEx; all of which were refused. The Committee also places on record that it is not vested with powers to compel a witness to come.

As he did not attend, and as the Committee was authorized to refer to the report of the Presidential Commission, the Committee decided to refer to the statements he had given and the findings of the Commission.

Accordingly, the Committee observed as follows. The committee understood that the STF exerts significant control over the Eastern Province and is armed with an advanced intelligence unit. However, he had not been aware of extremist activities developing in the area. Further, in response to the IGP's dissemination of the SIS Director's intelligence regarding the planned attacks, he had provided security to the Indian Embassy.

FINDINGS

The Committee found that since he deployed security to the Indian Embassy, he could have provided security at least to prominent churches. Further, he had been unable to detect the extremism developing in the country.

RECOMMENDATION

The Committee recommends to **initiate criminal proceedings against him by the relevant authority in view of his negligence in averting the attacks.**

5.17. FORMER PRESIDENT MAITHRIPALA SIRISENA,

OBSERVATIONS

The Committee was mindful that its first Mandate is limited in its scope to ascertain the adequacy of actions taken by the CNI, SIS and other relevant authorities. As set in Chapter 2, the Committee identified "other relevant authorities" as entities to whom the initial information on 04th April 2019, from Indian intelligence regarding the attacks (C8) up until the impending attack on 20th and 21st April had been disseminated.

The Committee observed that the aforesaid intelligence had not reached President, Maithripala Sirisena. As such the Committee decided that it was beyond their mandate to consider culpability regarding his conduct.

However, the Committee is mindful that his actions overall had contributed to the deterioration of the security in the Country as reflected in the most irregular happening of the NSC. Hence, the intelligence agencies were restricted from having the opportunity of getting suitable directions from the President who is Constitutionally recognized as the Commander-in-Chief of armed forces and the Minister in charge of the subject of Defence.

**5.18. FORMER PRIME MINISTER, RANIL WICKREMESINGHE,
OBSERVATIONS**

The role of the prime minister was also considered. In matters of security, collaboration with the President would have been desirable, rather than adhering strictly to the demarcation of duties.

5.19. INITIATING CRIMINAL PROSECUTION

The Committee submits that it **has recommended several of the officials described above for criminal prosecution.**

The Committee is of the view that **the officials should be indicted for their negligence.** The Committee views that this is the most suitable manner to exact retribution for their conduct.

Further, **criminal prosecution shall set a precedent which shall be a deterrent against wilfully negligent conduct by officials succeeding to significant posts** which are essential for the protection of national security.

The Committee also submits that the efficacy of prosecution is also dependent on the expeditious presentation of indictments and the conclusion of trials. This celerity is of utmost importance to provide vindication to the victims and to attain retributive justice. The Committee submits that multiple committees had been instituted as well as a comprehensive investigation had already been conducted by the Presidential Commission. This committee had not been in variance with the Presidential Commission. Hence, the Committee recommends **to expeditiously proceed with relevant criminal prosecutions.**

5.20. REQUIREMENT TO HAVE AN INTELLIGENCE POLICY

The 1971 insurrection threatening to drag the country to anarchy, was thwarted by the Sri Lanka Police and Army, on the backing of information given by a local informant. The agencies sprang to action by alerting all local police stations with relatively primitive communications systems in contrast to the present instantaneous and integrated systems available to the authorities. It is reasonable to assume that prompt responses to vital intelligence have been the cornerstone in numerous instances, both recorded and unrecorded, of dismantling threats and potential threats in the history of this country, including the defeat of the LTTE.

Therefore, intelligence is undeniably a crucial pillar for the security of a country. The catastrophic attack on 21st April 2019, serves as a stark reminder of the critical importance of prioritizing intelligence and not taking it lightly.

In this regard, the Committee observed that the failure on the part of the State to prevent the attack extends to the absence of a structure which provides an accountable and clear method of disseminating intelligence to the relevant authority to take action, in a manner that ensures compliance.

The Committee observed that the DMI and SIS had identified extremism as a threat and given it special focus. Despite the numerous reports, the police failed to act on the intelligence. The lack of cohesion between the authorities was evident in the way how the CNI at the time was not certain regarding his role and duty at the time.

The post of CNI is a vital organ of the State which connects the intelligence agencies together and ensures that the web of intelligence is spread across the country as well as has the capacity to monitor the progress of acting on intelligence.

The Committee is pleased regarding the outstanding services of the incumbent CNI Major General, *Jeewaka Ruwan Kulathunga* for setting up a much-needed

structure to ensure that intelligence is effectively disseminated with clear directives to the agencies responsible for acting on it.

The incumbent CNI, had revamped the Office of the Chief of National Intelligence (OCNI) remarkably and self-imposed a TOR which clearly defines the role of the CNI. Accordingly, it is observed that the position of CNI is envisaged to take on a leadership role within the intelligence community when coordinating the intelligence between all intelligence agencies. Further, the CNI is accountable as the Coordinator of the Weekly Intelligence Review Meeting presided by the Secretary, MOD. Further, the CNI acts as the Secretary to the NSC.

Pending the promulgation of an appropriate Intelligence Act, the incumbent CNI had devised a comprehensive process to facilitate the dissemination of information and intelligence to prevent threats to national security. Accordingly, routinely on a specific day of the week, the Security and Intelligence Analysis Meeting occurs, where the Secretary of the MOD is briefed regarding matters of national security.

The CNI is required to decide upon the information/intelligence to be shared with the NSC, and brief the NSC regarding emerging threats from internal and external developments to national security and thereby seek further directives/instructions for further tasking from the NSC. The framework and functions are elaborated in the comprehensive Standard Operation Procedures (SOP) developed by the CNI addressing the aforesaid process.

The foregoing structure regarding the dissemination of intelligence should be given formal recognition. The country requires a policy on intelligence to ensure consistency and a foundation to develop. The CNI should not be any other intelligence-gathering service as the DMI, SIS, and other agencies are proficient in that area. What the intelligence community requires is an

administrative body which facilitates the passing of intelligence as presently practised by the incumbent CNI, Major General, *Jeewaka Ruwan Kulathunga*.

In respect of the above, the Committee was informed that draft legislation is pending pertaining to the enactment of an Intelligence Act. The Committee **recommends expeditious enactment of such legislation.**

Sri Lanka is a resilient nation. Her modern history demonstrates the ability to withstand a brutal war, several insurrections, and a revolution without descending into anarchy. **Transitioning from a post-war phase requires a new approach to security, with a structured and measured focus on intelligence as a critical pillar of its armoury.**