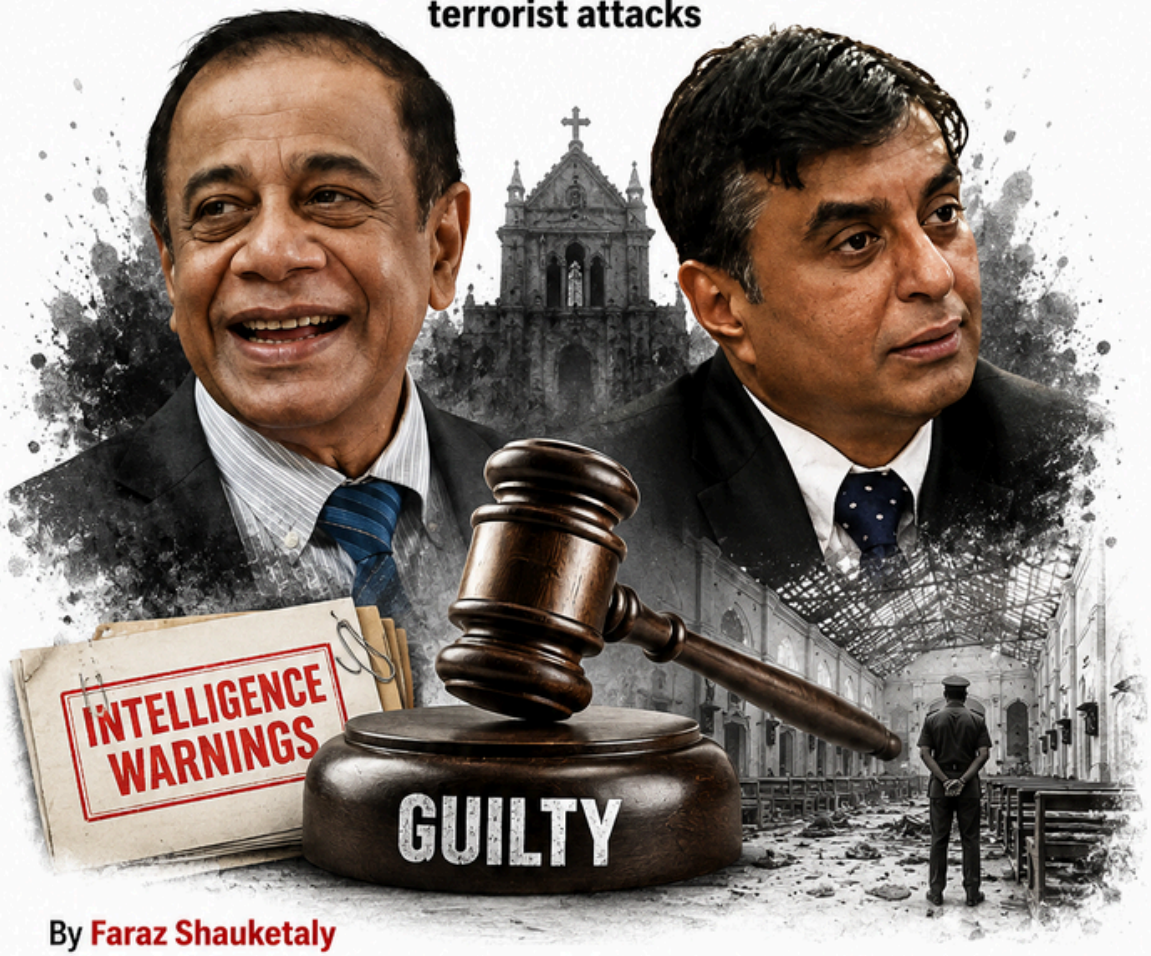
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FORMER DEFENCE SECRETARY HEMASIRI FERNANDO AND EX-IGP PUJITH JAYASUNDERA SENTENCED TO DEATH

Trial-at-Bar finds former Defence Secretary and former Inspector General of Police criminally liable over failures that preceded the Easter Sunday terrorist attacks



By **Faraz Shauketaly**

COLOMBO, Saturday — In one of the most significant criminal judgments delivered against senior public officials in Sri Lanka's history, former Defence Secretary Hemasiri Fernando and former Inspector General of Police Pujith Jayasundera were yesterday sentenced to death after a Trial-at-Bar found them guilty over their failure to act on intelligence warnings before the Easter Sunday terrorist attacks.

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THE COST OF INACTION

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The judgment marks a watershed moment in the country's legal and constitutional history. Rather than focusing upon participation in the attacks themselves, the Court examined whether the two most senior civilian officials responsible for national security failed to discharge the duties entrusted to them despite receiving advance intelligence of an imminent terrorist threat.

The Easter Sunday attacks of 21 April 2019 claimed the lives of more than 260 people and injured hundreds more when suicide bombers targeted churches and luxury hotels across the country. The attacks remain one of the darkest days in Sri Lanka's post-independence history, leaving lasting scars on families, communities and the nation as a whole.

Following years of investigations and criminal proceedings, the Trial-at-Bar concluded that the failures of the then Defence Secretary and the then Inspector General of Police amounted to criminal conduct, resulting in the unprecedented sentences imposed yesterday.

The convictions are expected to be challenged before the appellate courts. Nevertheless, the judgment immediately assumes historic significance because of the legal principle at its heart: that those occupying the highest offices of State may, in certain circumstances, bear criminal responsibility for failing to perform the duties imposed upon them.

Legal observers described the ruling as one that is likely to influence future interpretations of accountability within Sri Lanka's public administration, particularly where statutory responsibilities concern the protection of life and national security.

Beyond the courtroom, the judgment has reignited debate over the events leading up to the Easter Sunday attacks, the handling of intelligence received before the bombings, and the wider question of institutional accountability across the country's security establishment.

For many families who lost loved ones on that Easter morning, yesterday's verdict represents another chapter in a search for justice that has continued for more than seven years. Whether the decision ultimately survives the appellate process will be determined in the months ahead. For Sri Lanka, however, the judgment has already entered the history books.

It is not merely because two former holders of the nation's highest security offices have been convicted.
It is because, for perhaps the first time, a Sri Lankan court has declared that the failure to act when duty demands action can carry the gravest criminal consequences.

WHAT HAPPENS NEXT?

Appeals, legal process and why yesterday's death sentences are not the final chapter

COLOMBO, Saturday - Although former Defence Secretary Hemasiri Fernando and former Inspector General of Police Pujith Jayasundera were yesterday sentenced to death by the Trial-at-Bar, the judgment does not mark the end of the legal process.

Under Sri Lanka's criminal justice system, both men are entitled to challenge their convictions and sentences before the Supreme Court.

The appellate court will examine the findings of fact reached by the Trial-at-Bar, the interpretation of the law and whether the convictions are supported by the evidence presented during the lengthy proceedings.

Legal practitioners noted yesterday that appeals in cases of this magnitude are likely to involve extensive argument on the scope of criminal liability arising from a failure to perform official duties. Questions surrounding causation, the legal obligations attached to public office and the threshold for criminal negligence are expected to feature prominently before the appellate bench.

Until those appeals have been concluded, yesterday's judgment cannot be regarded as the final legal determination of the case.

The convictions remain subject to review in accordance with the rights available to every accused person under Sri Lankan law.

The sentences themselves have also generated considerable public discussion. Although the death penalty remains part of Sri Lanka's statute book and continues to be imposed by courts in appropriate cases, executions have not been carried out in the country for many years. Consequently, death sentences have generally been followed by the appellate process and, where appropriate, consideration under the constitutional procedures governing clemency.



The significance of yesterday's decision therefore lies less in the immediate implementation of the sentence than in the legal principles established by the Trial-at-Bar. The Court concluded that senior public officials entrusted with statutory responsibility for national security may, in appropriate circumstances, incur criminal liability where failures in the discharge of those responsibilities contribute to catastrophic consequences.

Constitutional lawyers observed that the appellate proceedings will be closely watched because the Supreme Court's determination is likely to clarify the extent to which omissions by holders of high public office can attract criminal responsibility. That guidance may have implications extending beyond this case and influence future prosecutions involving public administration and command responsibility.

For the families affected by the Easter Sunday attacks, the appeals represent another stage in a judicial process that has continued for several years. While yesterday's judgment was welcomed by some as a significant step towards accountability, others emphasised that broader investigations into the attacks and the circumstances surrounding them continue to attract public interest.

The coming months are therefore expected to shift attention from the findings of the Trial-at-Bar to the arguments that will be presented before the Supreme Court. Whatever the outcome, yesterday's decision has already secured a place in Sri Lanka's legal history. The appellate courts must now determine whether the principles adopted by the Trial-at-Bar will ultimately become part of the country's enduring jurisprudence.

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OPINIONS DIVIDED OVER EQUIVALENT SENTENCES

COLOMBO, Saturday - The landmark convictions of former Defence Secretary Hemasiri Fernando and former Inspector General of Police Pujith Jayasundera have prompted differing views among commentators over whether both officials should have received the same sentence.

President's Counsel Maithri Gunaratne said the conviction of the former Inspector General of Police was, to a considerable extent, understandable in light of the Court's findings regarding the discharge of his responsibilities before the Easter Sunday attacks.



"I think the action against the then IGP is, to a great extent, understandable," Gunaratne said. "Although I personally have a certain reservation as to whether the Defence Secretary deserved the same equivalent sentence as the IGP."

Gunaratne did not elaborate further on the legal basis for his reservation, but suggested that the respective duties and responsibilities attached to the two offices may justify different considerations when assessing criminal culpability and sentence.

A contrasting view was expressed by civil activist Rusiripala Tennekoon, who argued that the greater burden of responsibility rested with the then Defence Secretary.



Tennekoon said the Defence Secretary occupied the central position within the national security framework and would have had what he described as a "comprehensive overview" of intelligence received from all security and intelligence agencies.

"In my view, the greater responsibility should have rested with the Defence Secretary," Tennekoon said. "He would have had a comprehensive overview of all the intelligence available and was therefore in the best position to ensure that appropriate action was taken."

Tennekoon further observed that history had repeatedly demonstrated the importance of timely intervention by those occupying the highest offices of the State. He pointed to the 1971 JVP insurrection as an example where decisive action at senior levels of government played a critical role in preventing an even greater national disaster.

"History has proven that due interventions at the higher positions, taken at the appropriate time, have prevented disasters," he said.

"That is precisely why those entrusted with the highest responsibilities must act decisively when credible intelligence reaches them."

The differing opinions reflect what is likely to become a wider legal and public debate over the respective responsibilities of senior public officials within Sri Lanka's national security structure and whether the Defence Secretary or the Inspector General of Police ultimately bears the greater legal duty when faced with intelligence of an imminent threat.

The convictions are expected to be challenged before the appellate courts, where the extent of the legal duties owed by each office and the appropriate standard of criminal responsibility are likely to receive further judicial consideration.

EDITORIAL

THE DUTY TO ACT

Yesterday's judgment against former Defence Secretary Hemasiri Fernando and former Inspector General of Police Pujith Jayasundera will undoubtedly be remembered as one of the most significant judicial decisions delivered since the Easter Sunday attacks of April 2019.

While the convictions are subject to appeal and the legal process is far from complete, the decision has already introduced a profound question into Sri Lanka's constitutional and public life. Can those entrusted with the highest responsibilities of State be held criminally accountable not only for what they do, but for what they fail to do?

The answer given by the Trial-at-Bar is unmistakable. The Court has concluded that where public office carries a legal duty to act, and where a failure to discharge that duty contributes to catastrophic consequences, criminal responsibility may follow. That principle, if ultimately upheld through the appellate process, represents a significant development in Sri Lankan jurisprudence and one that extends well beyond the Easter Sunday attacks themselves.

Every government depends upon a chain of responsibility. Intelligence officers gather information. Police investigate. Defence officials coordinate. Ministers formulate policy. At every stage, decisions are expected to be taken promptly, lawfully and in the public interest. The effectiveness of government depends not upon the existence of institutions alone, but upon the willingness of those entrusted with authority to exercise it when circumstances demand.

The Easter Sunday attacks exposed serious weaknesses within that chain. Intelligence warnings existed. Information was exchanged between agencies. Yet somewhere within the system the necessary decisions were either delayed, overlooked or not acted upon with the urgency the circumstances required. The consequences were measured in hundreds of innocent lives lost, countless families devastated and a nation left searching for answers that have taken years to emerge through investigations, commissions and the courts.

Yesterday's judgment should therefore not be viewed simply as the conclusion of one criminal trial. It is part of a broader national effort to determine where responsibility lies when the machinery of government fails to perform its most fundamental obligation - the protection of its citizens. The law has now spoken in relation to two individuals. The country must now examine whether the institutions within which they served have themselves changed sufficiently to ensure that such failures are not repeated.



That examination cannot end with one verdict. It must include the manner in which intelligence is gathered and disseminated, the relationship between civilian and security leadership, the effectiveness of emergency decision-making, and the systems through which warnings are escalated to those capable of acting upon them. A nation cannot rely upon accountability after tragedy if it neglects prevention before tragedy.

There is another aspect of yesterday's judgment that deserves equal attention. Public office has too often been viewed primarily as a source of authority rather than responsibility. Titles, ceremonial functions and administrative powers are visible manifestations of office. Less visible, but infinitely more important, are the duties that accompany those powers. The higher the office, the greater the responsibility owed to the public.

This principle should not create fear among conscientious public servants. Decisions taken honestly, in good faith and on the information reasonably available should never be confused with wilful neglect or gross dereliction of duty. Democracies require public officials who are prepared to make difficult decisions without the constant apprehension that every error will become a criminal prosecution. Equally, democratic societies cannot accept that those occupying the highest offices are insulated from accountability when failures of the gravest nature occur.

The appellate courts will now examine the legal reasoning that underpins yesterday's decision. They will consider the evidence, the applicable law and the principles governing criminal liability arising from omissions. That process is essential, for landmark judgments acquire their greatest strength when they withstand careful scrutiny at every judicial level. Whatever the ultimate outcome, the issues raised by this case will remain of lasting importance to Sri Lanka's legal and constitutional development.

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DUTY TO ACT...

The public debate should therefore move beyond personalities. It should not become a contest between political loyalties or competing narratives surrounding the Easter Sunday attacks. Instead, it should focus upon the standards expected of those who occupy positions of immense public trust. Governments change. Ministers come and go. Senior officials retire. Institutions, however, endure. It is those institutions that must emerge stronger if the painful lessons of 2019 are to have lasting value.

For the families who lost parents, children, husbands, wives and friends, no judgment can erase the grief that has accompanied them for more than seven years. The courts can determine legal responsibility, but they cannot restore the lives that were taken or the futures that were lost. Justice, in its fullest sense, will be achieved only if the failures identified through this long process become the foundation for lasting institutional reform.

The true significance of yesterday's judgment therefore lies not in the severity of the sentence imposed, but in the principle that public office carries obligations which cannot be ignored. Those entrusted with protecting the nation hold positions of exceptional confidence. With that confidence comes a duty to act decisively, lawfully and in the public interest whenever circumstances require.

Be that as it may, the legacy of this case will ultimately be measured not by the punishment imposed upon two former public officials, but by whether Sri Lanka builds institutions in which responsibility is accepted before tragedy strikes, rather than assigned only after it has occurred.

THE VERDICT THAT REDEFINED ACCOUNTABILITY

Court holds former Defence Secretary Hemasiri Fernando and former IGP Pujith Jayasundera criminally liable over Easter Sunday security failures

BY FARAZ SHAUKETALY

COLOMBO, Saturday - Yesterday's conviction and sentencing of former Defence Secretary Hemasiri Fernando and former Inspector General of Police Pujith Jayasundera has become one of the most consequential judicial decisions in Sri Lanka's post-independence history, placing the principle of public accountability at the centre of one of the country's darkest national tragedies.

The Trial-at-Bar found both men guilty over their failure to discharge the responsibilities entrusted to them in the period leading up to the Easter Sunday terrorist attacks of 21 April 2019, when coordinated suicide bombings claimed the lives of more than 260 people and injured hundreds more.

The attacks targeted churches crowded with worshippers celebrating Easter Sunday and several luxury hotels in Colombo, sending shockwaves throughout Sri Lanka and drawing worldwide condemnation.
For years, the central question has remained the same.

How could such a devastating attack have occurred despite repeated intelligence warnings indicating that extremist elements were preparing to strike?

Yesterday, the Trial-at-Bar answered that question, at least in part.

The Court concluded that the country's two most senior civilian officials responsible for national security failed to take the action expected of them despite intelligence available before the attacks.

The convictions represent a significant departure from the manner in which responsibility has traditionally been viewed in Sri Lanka's public administration.

Historically, failures of governance have frequently resulted in commissions of inquiry, parliamentary investigations or disciplinary proceedings. Criminal liability imposed upon senior State officials for failures associated with the discharge of official duties has been comparatively rare.



The judgment therefore establishes an important legal precedent, recognising that those entrusted with statutory responsibility may, under certain circumstances, be held criminally accountable where failures in the discharge of those responsibilities produce catastrophic consequences.

Throughout the proceedings, the prosecution maintained that intelligence received before Easter Sunday pointed to a credible and imminent terrorist threat.

The Court accepted that the information available required a coordinated and urgent response from those occupying the highest levels of the national security structure.

It found that response to have been inadequate.
The judgment does not suggest that either Hemasiri Fernando or Pujith Jayasundera participated in the planning or execution of the attacks.

Nor does it conclude that they shared responsibility with those who carried out the bombings in the conventional criminal sense.

Instead, the Court determined that their failure to perform the duties imposed upon them by virtue of the offices they held amounted to criminal conduct.
That distinction is likely to become one of the defining legal questions arising from the case.

Senior lawyers observing the proceedings noted that the judgment reinforces an established principle recognised in many legal systems - that certain public offices carry positive legal duties, and that failure to discharge those duties may attract criminal liability where the consequences are sufficiently grave. The sentences imposed yesterday are expected to be challenged through the appellate process.

Appeals are likely to examine both the factual findings reached by the Trial-at-Bar and the legal principles governing criminal responsibility arising from omission rather than affirmative acts.

Consequently, yesterday's decision should not be regarded as the conclusion of the judicial process.
The legal debate now moves to the appellate courts, where broader constitutional and criminal law questions are expected to receive detailed consideration.
Outside the courtroom, however, the impact of the judgment was immediate.

Families of victims who have spent years seeking accountability described the decision as another significant step in a long and painful journey for justice.
Others cautioned that while accountability for public officials is essential, broader questions surrounding the Easter Sunday attacks remain unresolved and continue to be the subject of investigation and public debate.

Those questions extend beyond individual responsibility.
They encompass the effectiveness of intelligence sharing, coordination between security agencies, the relationship between political authority and operational decision-making, and the institutional reforms introduced since 2019 to reduce the likelihood of similar failures occurring again.

Yesterday's judgment inevitably returns those issues to the forefront of national discussion.
The convictions also place renewed attention upon the offices once occupied by the two accused.
The Defence Secretary occupies one of the most influential positions within Sri Lanka's national security architecture, coordinating defence policy and the functioning of key security institutions.

The Inspector General of Police serves as the country's highest-ranking police officer, responsible for directing law enforcement operations and ensuring that intelligence requiring police intervention is acted upon promptly. The Court's findings therefore extend beyond the actions of two individuals.

They examine the responsibilities inherent in those offices and the legal consequences which may arise where those responsibilities are not fulfilled.
For Sri Lanka's public service, the judgment is likely to become required reading.

Every Secretary to a Ministry, every head of a statutory authority, every Commander and every senior official entrusted with responsibilities affecting public safety will inevitably study both the reasoning of the Trial-at-Bar and the decisions of the appellate courts that follow.

Whether yesterday's convictions are ultimately affirmed or overturned, the case has already altered the conversation surrounding accountability in public office.
The events of Easter Sunday have always been remembered for the horror they inflicted upon innocent victims.

Yesterday's judgment ensures they will also be remembered for redefining the legal expectations placed upon those entrusted with protecting the nation.



"Questioning The Answers"

ACROSS THE PALK STRAITS

FROM OUR CHENNAI DESK

CAUVERY ROW RETURNS TO CENTRE STAGE AS KARNATAKA TOLD TO RELEASE WATER

CHENNAI - The long-running Cauvery water dispute has once again moved to the forefront after the Cauvery Water Management Authority directed Karnataka to release 3,500 cusecs of water daily to Tamil Nadu for the next 15 days, reaffirming the authority's role in enforcing the river-sharing mechanism.

The decision comes at a politically sensitive moment for both States, with Tamil Nadu insisting that Karnataka comply fully with the allocation determined under the Cauvery tribunal award and subsequent Supreme Court directions. Karnataka, however, has argued that rainfall patterns and reservoir levels require a more cautious approach to water releases.



The issue has quickly assumed political significance. Pro-Kannada organisations have already announced a statewide bandh in protest against the release order, reflecting the continuing emotional and political sensitivity surrounding the sharing of Cauvery waters.

For Tamil Nadu, the timing is particularly important as farmers prepare for cultivation in the Cauvery delta. Agricultural organisations have repeatedly warned that uncertainty over water availability directly affects cropping decisions, particularly for paddy cultivation.

The dispute has historically strained relations between the two southern States, periodically resulting in protests, litigation and political confrontation.

While the creation of the Cauvery Water Management Authority was intended to depoliticise implementation of the tribunal award, each release order continues to generate intense public debate.

Officials in Chennai are expected to monitor reservoir inflows closely over the coming fortnight while continuing discussions with their Karnataka counterparts.

The latest development underlines that, despite decades of legal adjudication, the Cauvery remains as much a political issue as it is a question of water management.

ANTI-CORRUPTION PROBE INTO TASMAC WIDENS WITH FRESH ARRESTS

CHENNAI - Tamil Nadu's anti-corruption investigators have widened their probe into alleged irregularities involving the State-run liquor retailer TASMAC, arresting two more suspects as investigations continue into transactions said to have taken place between 2021 and 2025.

The Directorate of Vigilance and Anti-Corruption produced the two accused before a Chennai court, which remanded them in judicial custody pending further investigations. Officials believe the arrests form part of a much larger inquiry into alleged financial irregularities connected with procurement and distribution activities.

The investigation has attracted considerable political attention because of its potential implications for senior figures connected with the administration during the period under examination. Opposition parties have demanded complete transparency, arguing that public confidence depends upon an independent investigation free from political influence.

The State Government has maintained that investigative agencies are proceeding strictly in accordance with the law and that no individual will be shielded if evidence establishes criminal wrongdoing.

TASMAC remains one of Tamil Nadu's largest revenue-generating public enterprises, contributing thousands of crores of rupees annually to the State exchequer. Allegations of corruption within such a significant institution inevitably carry wider implications for public finances, governance and public confidence.

Investigators are expected to continue examining financial records, procurement procedures and the movement of funds as the inquiry progresses.

CENTRE WARNS TAMIL NADU MUST EXPAND POWER CAPACITY TO MEET FUTURE DEMAND

CHENNAI - The Union Government has projected that Tamil Nadu will require an additional 12,400 megawatts of thermal power capacity by 2034-35 if the State is to meet rapidly growing electricity demand over the coming decade.

The projection, placed before the Lok Sabha by the Union Power Ministry, highlights the scale of infrastructure investment required as industrial growth, urbanisation and rising domestic consumption continue to increase electricity demand across the State.

Tamil Nadu has long been regarded as one of India's industrial powerhouses, with major investments in automobile manufacturing, electronics, renewable energy, textiles and information technology. Sustaining that growth will require reliable base-load generation capable of supporting expanding industrial clusters while complementing renewable energy sources.



Energy specialists note that although Tamil Nadu has emerged as a national leader in wind and solar generation, renewable sources alone cannot presently provide uninterrupted electricity throughout the year. Thermal generation therefore continues to play an important role in ensuring grid stability during periods of low renewable output.

The projection is expected to influence future policy decisions regarding power generation, transmission infrastructure and private investment in the electricity sector. It also highlights the balancing act facing policymakers as they seek to expand generating capacity while meeting environmental commitments and reducing carbon emissions.

Industry groups have welcomed long-term planning by the Centre, arguing that dependable electricity supplies remain essential if Tamil Nadu is to retain its position as one of India's leading manufacturing destinations.

