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### A Statement by the Fair Justice Campaign, Right to Life Human Rights Centre

The **Fair Justice Campaign** of the **Right to Life Human Rights Centre** expresses its profound concern regarding the remand of Ven. Balangoda Kassapa Thero and nine other suspects. The legal proceedings witnessed on January 19, 2026, before the Trincomalee Magistrate's Court, and the subsequent extension of remand until January 28, highlight a terrifying trend in our justice system.

This trend is the strategic utilization of the **Coast Conservation and Coastal Resource Management Act, No. 57 of 1981**, to facilitate "**Punitive Remand**" the detention of individuals as a form of punishment prior to any judicial conviction.

### Institutional Conflict and the Cost to Liberty

Current media reports indicate that the suspects were remanded because the Magistrate's power to grant bail is statutorily restricted under this specific Act, exacerbated by a lack of consensus between two state institutions: the Attorney General's Department and the Police Department.

We emphasize that beyond these two entities, the **Coast Conservation Department** cannot absolve itself of responsibility in this matter. It is our firm position that individual liberty must not be sacrificed due to contradictions and conflicts between government agencies.

### Factual Background

The case originated from allegations of unauthorized construction and the placement of a Buddha statue within a designated coastal zone in Trincomalee. The suspects, comprising members of the clergy and civil society activists, were charged under the Coast Conservation Act. Due to the stringent bail provisions inherent in this Act, the Magistrate's Court loses its discretionary power to grant bail, often requiring an application to a higher court or the explicit consent of the State to alter charges.

### Evidence of Malice and Breakdown of Procedure

A significant procedural anomaly occurred during the trial on the 19th. The State Counsel, representing the Attorney General, informed the Court of a decision to withdraw the primary charge under the Coast Conservation Act. It was reported that this decision followed an agreement reached in relation to a relevant **Writ Petition** before the Court of Appeal.

Had this charge been withdrawn, the legal barrier to granting bail would likely have been removed. However, the Trincomalee Police, led by the Senior Superintendent of Police (SSP), staged an unprecedented intervention, vehemently opposing the Attorney General's decision.

This direct conflict between the Executive's chief legal advisor and the state's investigative arm reveals a **malicious intent** by the police to ensure the suspects remain incarcerated.



## The Independence of the Attorney General and Political Promises

We emphasize that safeguarding the unique power and independence of the Attorney General as the state's chief prosecutor and chief legal officer is vital for establishing the Rule of Law. Furthermore, drawing attention to a key promise of the **National People's Power (NPP)** government to establish a **Public Prosecutor's Office**, we hold the view that the government must pay greater attention to ensuring independent and fair criminal prosecution.

## The Doctrine of Pre-Conviction Punishment

The Fair Justice Campaign views the continued incarceration of these suspects as a violation of the fundamental right to be **presumed innocent until proven guilty**.

As the Magistrate correctly identified, without a withdrawal of the charge or a plea of guilt, he is statutorily powerless. However, the police's refusal to align with the Attorney General's decision suggests that the prosecution's objective is no longer a legal determination regarding an unauthorized construction, but rather the long-term deprivation of personal liberty as a method of social intimidation.

## Transactional Justice

Furthermore, it was reported that a dialogue resembling a "**transactional exchange**" occurred before the court, suggesting the withdrawal of other legal actions as a condition for suspending the enforcement of the Coast Conservation Act; this is an extremely regrettable situation.

## A Systemic Pattern of Abuse

This is not an isolated incident. Past experiences in Sri Lankan courts demonstrate a pattern where the Police utilizing laws with strict bail limitations to institute proceedings, thereby stripping individuals of their liberty through remand. The conduct of the police in this instance confirms that this oppressive practice continues unabated.

Punishment follows conviction in a civilized society. It is our observation that utilizing laws to remand individuals as a form of pre-conviction punishment is a total betrayal of justice.

## Conclusion and Call to Action

We call upon the **Judicial Service Commission** and the **Attorney General** to investigate the breakdown of procedural hierarchy in this case.

Furthermore, to move Sri Lanka forward as a state that safeguards personal freedom and human rights, we urge the authorities to **review these oppressive laws and bail restrictions**. Justice must not only be done, but it must also appear to be free from the influence of institutional malice.

**Fair Justice Campaign** Right to Life Human Rights Centre



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📞 +94 112 669100

✉️ right2lifelk@gmail.com

🌐 www.right2lifelanka.org

NO, 4/71, Thalakotuwa Gardens, Colombo 05.