

**A Summary of Events and Actions relating to Gamani Corea's Affairs  
The period covering the incorporation of the Gamani Corea Foundation and  
Gamani Corea's Illness and the Power of Attorney given to Lalith Kotelawala and  
Lalith Kotelawala's Guardianship of Corea.**

**Godfrey Gunatilleke's Notes**

**The Incorporation of Foundation and First Meeting of the Board**

My close association with Gamani Corea dates from the mid 1960s when he asked me to join the new Ministry of Planning and Economic Affairs that had been formed of which he was appointed Permanent Secretary. I worked closely with him as the Director of Plan Implementation. Thereafter in 1971 we collaborated in founding the Marga Institute of which he was the Chairman and I the Executive Vice Chairman - a relationship which continued till we both retired from the Board of Governors. From 1974 to 1983 I was Special Advisor to the Secretary general of UNCTAD when Gamani was Secretary General UNCTAD. As Special Advisor I used to work with him on the Agenda of the UNCTAD Conferences and was present at all the UNCTAD Conferences during this period. His discussions with me about his intention of establishing a Foundation dates back to the time he returned from UNCTAD.

Dr Gamani Corea had discussed his intention of establishing a Foundation and endowing it with all his assets with a large number of his friends both here and in Geneva over the last 10 years. These friends would readily testify to these declared wishes and intentions of Gamani Corea.

He established the Gamani Corea Foundation on February 10, 2000 incorporating it as a non-profit distributing company under the Companies Act for the purpose of promoting objects specified in section 21.

He had designated the Directors of Board and these included Dr Nimal Sandaratne, Dr Lloyd Fernando, Dr Harsha Aturupana, Mr Priya Amerasinghe and myself. Dr Gamani Corea was Chairman of the Foundation with veto powers in respect of all decisions taken by the Board. The Board was appointed in December 2002.

He informed the Board that he was not in a position to transfer funds to the Foundation immediately to enable it to start working but that he intended to do so on the sale of some of his properties. He mentioned in particular the property in Rotherfield Gardens. He indicated that the sum available would be in the region of Rs 20 million. Meanwhile we agreed that one of the first tasks of the Foundation was to recruit a CEO. Gamani and some of us undertook to make a search for a suitable person.

He sold his property at Rotherfield Gardens for Rs 18 million in September 2002. He had also received a sum of Rs 11 million in 2002 (exact date?) as his share of the proceeds of the sale of a property inherited from his father. It was during this period that he indicated that the Foundation could start functioning and that he was in a position to transfer funds.

The Foundation held its first meeting on the 9<sup>th</sup> of December 2002 at which he informed the Board that he was transferring Rs 10 million to the Foundation. The decision was recorded in the minutes of the meeting and later signed by Gamani as Chairman.

### **Deterioration of Gamani Corea's Health**

Meanwhile Gamani had suffered from a mild stroke in September 2002 while he was at the Golf Club. He suddenly found that he had been unable to sign. He had however been able to drive home. His stepmother and aunt however had expressed concern and called a doctor and taken him to Hospital where he had spent two nights.

I (Godfrey Gunatilleke) visited him at his home a few days after the incident. He was refusing to admit that he had any health problems and was preparing to visit Geneva. There was no noticeable deterioration in his mental condition during this period. When we held the meeting of the Foundation in December he presided at the meeting and participated in the discussions and decision-making and showed no mental impairment at all. At this meeting one of the members of the Foundation suggested that the Foundation take over the task of managing the household for Gamani and arrange to attend to his personal needs as well. Dr Corea expected the Foundation to take over this task as well, as he was not sure who would look after him in his old age. Both I and some of the other Directors were of the view that these functions should not devolve on the Foundation and that separate arrangements should be made for the management of Gamani's personal affairs.

In early January 2003 Anthony telephoned me and stated that there was a noticeable deterioration in his memory and that he was often unable to recall what he had for breakfast or a telephone call he had received a few hours earlier. Anthony also mentioned that Lalith Kotelawala had undertaken to provide Gamani with the health care through the Swiftcare services.

### **General Power of Attorney Given to Lalith Kotelawala**

In early February, Anthony telephoned me to inform me that Lalith Kotelawala had come with his lawyers and got Gamani to sign a document granting a general power of attorney. His sister Mrs Wijenaiké was also present. Anthony has described in detail what happened on that day in a separate statement which he is prepared to make in the form of an affidavit. He states that Dr Corea had received three copies of the document a few days earlier and that Gamani after examining it had stated that he was not going to sign a general power of attorney and had wanted to consult his family lawyers. He had asked Dijen de Saram to be present on the day that Lalith was coming to see him – the 31<sup>st</sup> January 2003. But subsequently Gamani had informed Anthony that he had asked Dijen not to come as Lalith had said he was coming to explain the document and not to get him to sign it. Anthony states that Lalith told Gamani that unless Gamani signs the document he would have nothing to do with him and that there would be nobody to look after him.

I called him (Gamani) the next day and inquired about the power of attorney. He admitted that he had signed a document, he cannot remember what it was but that he was very unhappy.

I was unable to see him for some time. He called me and also sent several messages through friends asking me to come and see him. I was very busy during this period and did not realize that Gamani's memory was deteriorating and he was facing serious problems.

I finally went to see him sometime in the third week of March 2003. Gamani appeared to be unhappy and said so. There were several visitors including Christabel Aturupane, Srimani Athulathmudali, Ishwari Corea. He said he did not know what was happening, that people were taking over his house and doing things without consulting him, that nothing was happening to the Foundation and that Lalith seemed to be opposed to the idea of a Foundation. He also complained that Lalith had not come to see him for a long time. I told Gamani that he should telephone Lalith and ask him to come and see him. Malini and some of the others said that I should speak to Lalith. I agreed. Malini got him on the phone for me. I told Lalith that I was with Gamani and that Gamani was keen on seeing him and that I too would like to meet him. Lalith then suggested that if I was free we could meet immediately and inquired whether I could come to his office at 13, RA de Mel Mawatha. I agreed and went to see him. We had a friendly conversation during which he explained what he had so far done for Gamani, how he had cleared the Horton lodge of unwanted lodgers, taken back Gamani's house in N'eliya, provided medical services. I then told him that what was uppermost in Gamani's mind was the Foundation which he had established and that he was concerned that nothing had been done to get it working. Lalith said that he knew Gamani wanted to establish a Foundation but he had not been told anything about it and asked me for information. I gave him the names of the persons appointed as Directors. I also suggested that he should come into the Board, and if Gamani so wished he could even come as Chairman. He seemed pleased at the suggestion. We then discussed Gamani's health and I said that Gamani should be taken to Geneva as he should be given the best available treatment. I told him that eminent people abroad who were Gamani's well-wishers were inquiring whether he could not be brought to Geneva and mentioned that I had learnt that the latest treatment available for memory problems had resulted in remarkable improvements. He agreed that Gamani should be taken abroad and inquired whether I could accompany Gamani. I said that this would be difficult. He then said that if one of Gamani's close associates in Geneva (a person referred to as Utum) could come and take him, her travel expenses could be met. We then discussed options other than Geneva and considered Singapore might be a better option. He said he could make arrangements and asked whether I too could come and I replied that I might find this possible if Gamani was taken to Singapore. He then said we must meet again and gave me the telephone number and the times of the day I could contact him. I came back with the impression that Lalith would be ready to act in a manner that would protect Gamani's best interests and fulfil his wishes.

I came back and communicated the gist of my conversation to Gamani and the visitors who had remained behind, (Christabel, Srimani and Ishwari) to hear the outcome of my

meeting with Lalith. Gamani did not seem to be in agreement with two matters. He indicated that he did not want Lalith on the Board and he showed that he preferred to go to Geneva.

### **Activating the Gamani Corea Foundation**

Meanwhile Gamani was inquiring from me what was happening to the Foundation. When I met him in mid March he suggested that we convene a meeting. I asked the Secretaries of the Foundation to convene a meeting of the Foundation on March 24<sup>th</sup> at 4.30. We met at Gamani's residence as the 21 Horton Lodge had been designated as the place of business of the Foundation at the meeting held on the 9<sup>th</sup> of December. Gamani was very pleased that we had taken action and presided over the meeting. I had consulted him on the agenda and had drafted a work programme for the Foundation. The work programme was adopted and it was decided to hold the formal inauguration of the Foundation on the 3<sup>rd</sup> of June 2003. The Board resolved to open a fixed deposit account with the National Savings Bank. Dr Corea confirmed that he would be transferring a sum of Rs 10,000,000 to the Foundation from his personal account. I was appointed the Deputy Chairman of the Foundation.

During the next few days I tried to contact Lalith. We were both very busy and could not find a time which was mutually suitable. I left messages for him but received somewhat officious replies that he was very busy that an appointment will be "scheduled". I got the impression that he was not keen on meeting me and expressed this view to Gamani. He discussed with me what should be done and decided to send him a letter which I drafted in consultation with him. In this letter Gamani thanked him for what he had done to put his affairs in order and said that now he would wish to take some decisions regarding the future, mentioning his intentions regarding the Foundation. He asked Lalith to transfer Rs 10 million to the Foundation with immediate effect. Gamani also asked Lalith come and see him to discuss how Gamani should now re-order his affairs that expressed his wish that Lalith meets him to discuss several matters regarding the power of attorney and the Foundation.

I followed this with a letter written by me to Lalith regretting that we could not meet and referring to several matters we had discussed including the need to take Gamani for treatment. I mentioned that Gamani prefers to go to Geneva and that on reflection I was also of the view that Geneva would be preferable as he would be in an environment in which he was at home. I also mentioned that the Foundation was uppermost in Gamani's mind and activating it would help him to recover. I said that Gamani was expecting him to transfer Rs 10 million to the Foundation. I also informed him that the Board was meeting on the 4<sup>th</sup> April and invited him to attend the meeting where many of these matters could be discussed. Lalith however did not attend.

Meanwhile the decision to open a bank account at the Standard Chartered bank for the Gamani Corea Foundation was implemented. Gamani transferred a sum of Rs 50,000 to the Foundation Account as the initial deposit to open the Bank Account and obtained a cheque book for the Foundation. Under the resolution of the Board, Gamani Corea was

the sole signatory. The action taken was reported to the Board at the meeting held on 4<sup>th</sup> April at which Gamani Corea presided and was duly recorded. The Board was also informed of the correspondence I and Gamani had with Lalith. Together with the opening of the account Gamani obtained a cheque book for his own personal account as he did not have a cheque book as these were all removed by Lalith. He said that he could not make even a small payment and would therefore need a cheque book. He handed over the cheque book for safe keeping to me. It remains in my personal custody. He has not used it yet.

On the days I visited him in the mornings I found him depressed without anything to occupy him. I discussed Gamani's situation with a few friends including Nimal Sandaratne, Chandi Chanmugam and Nihal Weeratunge and suggested that we take turns and visit him so that there is some person daily working with him for a few hours going over the mail, the e-mail and matters that concerned the South Centre and other work. When we began doing this he appreciated it very much and said that what he lacked was intellectual stimulation of any kind. Nimal Breckenridge went daily for a shortwhile before the 10<sup>th</sup> incident, went through the e-mail and arranged the library. His e-mail had accumulated and on the first day I downloaded 93 e-mails. This was routine that would have had a therapeutic effect on Gamani and he looked forward to our visits. When I left he constantly requested me to come the next day. On several days that I was present the staff of the Open University came to get his signature on the award of degrees.

On the 5<sup>th</sup> of April 2003 I telephoned Lalith at his home and told him that Gamani was concerned that he had no reply to his letters. He replied that those letters could not have been written by Gamani and asked who typed them. I said that the letters were prepared on his instructions in consultation with him. He then said that the letter had been sent in a Marga Institute envelope. I said that this may have been done and told him that he should remember that Gamani was the Founder Chairman of the Marga Institute and that the Institute is always prepared to be of service to him. I said that he could have verified all of these personally by visiting Gamani and speaking to him and consulting him. He took offence at this statement and said "Who are you to tell me how I should treat Gamani?" He then said he will not have anything to do with the Foundation and he does not know anything about it. He seemed peeved that he as the person holding the power of attorney was not informed of the Foundation and said so. I said that we had invited him to the meeting held on the previous evening. He repeated he will not have anything to do with the Foundation. I told him that Gamani has to be taken to Geneva. He said "You can take him to Geneva" in rude tones. I told him there was no reason for him not to speak in a more civilized manner at which he replied rudely, "I will see what I can do to you."

I informed Gamani and the Board members of the telephone conversation I had with Lalith. They were quite perturbed. Gamani said that he may have to consider revoking the power of attorney. At the discussion with Gamani, Malini and Anthony were present. I asked Gamani whether he had made a will and he replied that he had not made one. In the course of the discussion he said that it might be best that he makes his will and his intentions regarding the distribution of his property known very clearly. Certain ideas

about the distribution of the property were discussed. He asked me what I thought should be given to the Foundation. I said that in my view he should not give all his property to the Foundation which is devoted primarily to research and learning but also consider the feasibility of a Trust in the name of his mother devoted to humanitarian work in which she was interested. When I inquired about her mother's humanitarian concerns, he said that she was interested in the care of the elderly. I said that would be relevant in the context of Sri Lanka's aging population and that he should seriously think of a Trust devoted to the care and quality of life of the elderly. He liked the idea and asked me to prepare a note on the lines we discussed for drawing up a will. I did this and he sent it to his family lawyers. During this period I found that Gamani's memory was quite weak when it came to recalling what happened even a few hours earlier. But he was clear, coherent and, what is more, very consistent in expressing his wishes and answering questions regarding his wishes and intentions and could conduct a coherent conversation.

Dijen de Saram said he wanted more specific instructions to draw up a will. I went to see Dijen on April 8<sup>th</sup> and discussed Gamani's situation. He briefly described his part relating to the power of attorney. He said that Gamani's original intention was to give a specific power of attorney to operate an account for the purpose of paying Gamani's medical expenses and that he was surprised that Gamani had given a general power of attorney. He said that Gamani should make up his mind about whether he wants to revoke the power of attorney.

On the 9<sup>th</sup> of April, Dijen de Saram saw Gamani at his house. I was present. During this meeting Gamani expressed his dissatisfaction with the manner in which Lalith was exercising the power of attorney. He complained in particular about the large number of security staff who were being employed and the manner in which they were invading his privacy, that Lalith had not visited him nor had he provided him with any information about his affairs. Dijen explained to him that if he was dissatisfied with the way in which Lalith was exercising the power of attorney he was free to revoke it at any time. Gamani then inquired what would be the implications of the revocation and when these were explained to him, including how it might affect his relations with Lalith, he said he would think over it and take a decision. Dijen also explained to Gamani that the power of attorney given to Lalith does not deprive him of any of his powers as the Principal to act freely, deal directly with the banks in which he held accounts and engage in any financial transaction if he so wished. Following this discussion Gamani requested the Seylan Bank to furnish him information regarding his fixed deposits and current account which had not yet been supplied and asked the Bank to issue a cheque book for his personal use. This letter was drafted by me in consultation with Gamani on his request and signed by Gamani.

K.M. Anthony delivered the letter to the Bank on the 10<sup>th</sup> and obtained a cheque book for Gamani's use. I had gone to Gamani's house at about 4 pm to bring him for a lecture at the Marga Institute but he was disinclined to come. Anthony returned with a cheque book a little after I had arrived. He said that two officers from Seylan Bank had followed him and were asking him to return the cheque book stating that there was an error in the cheque book that was issued. Gamani and I asked them to come in. They repeated what

they had said to Anthony and asked Anthony to come to the Bank to replace the cheque book saying that it would take only a few minutes. Anthony agreed to go with them. Anthony was not taken to the Bank. He was forcibly taken to the office of Lalith Kotalawela where he had been interrogated, threatened and asked to sign a letter of resignation from the service of Gamani and also asked to sign an affidavit giving a full account of all that had happened in Gamani's house, letters signed etc. Lalith Kotalawela had said that he was not after him but was "targeting Godfrey Gunatilleke and would get him" and that he, Anthony, had "been an accomplice of Godfrey Gunatilleke to play out Gamani Corea's money which was about Rs 500 million." Anthony has made a complaint to the Police regarding this incident on the 14<sup>th</sup>. He had been reluctant to go alone to the Police Station after his experience on the 10<sup>th</sup> and Lalith's threats. He feared that Lalith may try to use his power and influence even in regard to his complaint. Finally he went to the station accompanied by me, Lloyd Fernando and Michael Sproule after he was refused admission to Gamani's home on the 14<sup>th</sup>.

I see Lakshman Kadirgamar on the 12<sup>th</sup> of April. He states that we should be prepared for legal action and suggested SLG and HLS as the lawyers.

Anthony complained to Dr Corea of what had happened on the 10<sup>th</sup> evening. Gamani again reacted very sharply. He said he would revoke the power of attorney he had given to Lalith. I had conveyed this information to Michael Sproule as Dijen was on holiday. Michael met Gamani on the 14<sup>th</sup> evening at 21 Horton Place in the company of Dr Lloyd Fernando and myself. Anthony who had accompanied us to see Gamani was not allowed to enter the premises. During our discussion, Gamani said he wanted to revoke the power of attorney given to him and start afresh. In earnest tones he asked us to advise him on the best course of action he could take. In response to this request, I sent a letter to Gamani recommending a course of action which included revocation of the power of attorney given to Lalith

This letter was sent through Nimal Breckenridge who was going as usual to Gamani's to arrange the library. Gamani telephoned me after he received the letter and I went over the contents of the letter with him carefully on the telephone. He said firmly that he agreed with what was recommended and I replied that if he agreed and wanted us to take action he would have to say so in writing as the lawyers needed written instructions to take any action. I conveyed this to Nimal who had written out what Gamani had stated, agreeing to the recommendations and requesting that action be taken. Gamani had read this and signed it. Thereafter the security staff had demanded the letter and on Mrs Breckenridge protesting that they had no right to make such a demand, had forcibly restrained Mrs Breckenridge from leaving. The Police had to be summoned by her to enable her to leave the premises. She went to the Cinnamon Gardens Police Station and made a complaint.

I received a letter from Lalith on the 15<sup>th</sup> of April in which he stated that he was giving effect to Gamani's wishes regarding a Gamani Corea Trust and had decided to establish such a Trust with the assistance of eminent persons from business and finance to which he would transfer all Gamani's property and assets.

Meanwhile I receive several telephone calls and e-mails from Utum Reungsiwan and Laki Hulugalle inquiring about Gamani's condition. I also receive calls from Branislav Gossovitch about Gamani and the South Centre meeting. Gamani sends e-mails to both Gossovitch and Jaramillo regarding his intention to retire from the Chairmanship of the South Centre Board.

I see Sriyantha with Anthony on the 16<sup>th</sup>. Sriyantha, Priya and I meet at Priya's home on the 17<sup>th</sup> and decide to consult SL and keep Lakshman K informed.

### **Friends prevented from Visiting Corea**

On 18<sup>th</sup> April, I receive another letter from Lalith in which he complains that I and Mrs Nimal Breckenridge had attempted to get Gamani to revoke the power of attorney and had got Gamani to sign a letter which he did not read. He also stated that my actions will attract "criminal consequences" and that I should desist from harassing Gamani. He further said that the Doctor had ordered complete rest for Gamani without any visitors and telephone calls. He repeated that the Gamani Corea Trust will be established shortly.

I replied to Lalith's letter dated 10<sup>th</sup> and delivered the letter on the 18<sup>th</sup>. I have drafted a reply to his letter dated 15<sup>th</sup>. I have not been able to visit Gamani after the 14<sup>th</sup> as I have been informed that Gamani needs absolute rest and cannot have visitors. Gamani has telephoned me on several occasions on the 16<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> and requested me to come to see him. I have explained why I am unable to come. His reply was "This is ridiculous, Lalith can't do this, I will change all this in a day or two". He asked me to tell Dijen to come to see him. I said that the lawyers have told me that he should make the request himself and if he wishes to see the lawyers he should telephone them. He said he was going to speak to them the next day, that was the 20<sup>th</sup>. I do not know what happened on the 20<sup>th</sup>.

Although according to Lalith the doctor had ordered that Gamani should have no visitors and should have absolute rest, Gamani was taken out to the homes of several people and visitors who were presumably approved by Lalith continued to see him. 21<sup>st</sup> April – consultation with SLG. Went through the issues relating to locus standi and the restraints imposed on visitors to see Gamani. Decided to consult HLS.

22<sup>nd</sup> April – telephoned Gamani regarding the meeting of the Board of the Foundation which had been scheduled for the 25<sup>th</sup>. Wanted the Board meeting held either at his residence or the Marga Institute. He said he would come to the Marga Institute if the meeting is held there. Again he asked me to come to see him. I reiterated that Lalith was preventing me from coming. He replied this was nonsense and that he would be taking action "to change all this." Nothing however is done as he appears to be unable to assert himself or get Lalith to act in accordance with his wishes. The draft reply to Lalith's second letter is drafted and sent to Sriyantha and Priya. Priya suggests some revisions in the last two paragraphs toning down the letter to leave room for discussions and a settlement.



23<sup>rd</sup> and 24<sup>th</sup> April – I do not contact Gamani. Learn from Ishwari that the Security staff have been instructed not to admit three persons – myself, Nimal Breckenridge and Mahasen Kotelawala.

25<sup>th</sup> April – We meet at Priya's house at about 4.45 pm to consider what should be done if the security staff prevent me from entering. Decided that the other Directors would go in to see Gamani, inform him that I have been prevented, state that a meeting cannot be held in the circumstances and inquire from Gamani what he would wish us to do. I go with Nimal Sandaratne, Priya follows us. Meanwhile Harsha and Nishanthi Ratwatte had gone in and spoken to Gamani who makes it clear to the security staff that the other three including me should be admitted. The security staff refuse to admit me and ask the others to sign a declaration that the meeting with Gamani is a social visit and that they will not discuss any financial matters, get any documents signed and will not do anything which will affect his health. Priya and Nimal refused to sign this declaration stating that it was unwarranted and that they had come to attend a meeting of the Board of which Gamani was the Chairman. Gamani comes to the gate and inquires why we are not admitted and asks the security staff to admit us. They refuse saying that they have instructions from their superiors. Meanwhile a large number of Ceylinco security staff arrive on the scene including one Wijesinghe who I later learn is the head of the Ceylinco Security. Punyakanthi, Lalith's sister, also came to see Gamani. She spoke to me and said that all the parties concerned should get together and discuss matters. When I was speaking to Punyakanthi, Wijesinghe intervenes and speaks rudely to me saying that I had no business to come there. Gamani is unable to overrule the decisions taken by the security staff. We decided not to pursue matters, postponed the meeting and left. Gamani called home at 8.30 pm asking to speak to me. I had not yet returned from Priya's where we were considering what we should do next. Gamani spoke to Bella and expressed concern that I had not been able to come in.

Four of us, Priya, Nimal, Harsha and I went to the Police Station Cinnamon Gardens and I wrote out a statement in English detailing what happened at Gamani's residence that evening. The statement was made for the purposes of record and future reference.

I get a telephone call from Branislav saying that he had called Gamani and that Gamani had complained that I had not been allowed to come in. Branislav expressed shock and alarm. He stated that Gamani had to be contacted on many matters relating to the South Centre and that he would be prepared to come to Sri Lanka to sort out matters. I informed that he should keep the Ministry of Foreign Affairs Sri Lanka also informed.

26<sup>th</sup> April – I send copies of Lalith's letter received on the 18<sup>th</sup> regarding the incidents on the 15<sup>th</sup> to Nimal B together with my draft letter. Srimani calls and informs me that she has invited Gamani home tomorrow.

SSP Herat calls me and says that he had read my statement and that I have not given the date although I had dated the statement. He wanted confirmation that it was for record and not for inquiry by the Police. He also said that Anthony had promised to give the home addresses of Nanayakkara who is alleged to have abducted Anthony.

On the 27<sup>th</sup> of April, Srimani Athulathmudali visits Corea with the intention of taking him for an evening party at her residence. She is asked to sign a declaration and produce her identity card. She refuses to do so and is prevented from entering. She sounds the horn continuously and is finally allowed to take Corea to the party. Kotelawala telephones her the following morning speaks rudely to her and threatens to complain against Mrs Athulathmudali to the Police for having taken an “insane man” (Kotelawala’s words) to get documents signed. Mrs A has made a complaint to the Cinnamon Gardens Police Station.

On the 28<sup>th</sup> I go to the IGP’s Office to interview the IGP. The IGP has been called to the Presidential Secretariat. He calls me on his celltel and tells me to speak to the DIG staff. I discuss matters with him and leave a letter addressed to the IGP.

### **Court Action by Lalith to become Guardian and Manager of Corea’s property**

In July 2003, Lalith Kotelawala had made an application to the District Court to become Gamani Corea’s guardian and manager of his property. Meanwhile Lalith Kotelawala had used his power of attorney to establish a Gamani Corea Trust, transferring all Gamani Corea’s property to this Trust, making himself the Chairman and Managing Director of the Trust with his two sisters and two employees of Lalith Kotelawala’s group of Companies the other Trustees. The deed of trust is dated 19th April 2003 and has been attested by a lawyer employed under Lalith.

There were two applications, one by Gamani Corea’s close relatives and the other by Godfrey Gunatilleke to intervene and take part in the inquiry into Lalith Kotelawala’s application. The Coreas were seeking to intervene on several grounds – that Lalith Kotelawala was a legal heir and therefore could not act as guardian; that he was not a fit person to be appointed as guardian in view of his conduct in obtaining the power of attorney as well as his wrongful use of the power of attorney, for instance his action in setting up a Trust and making himself the manager, restricting Gamani Corea’s movements and access to his friends, using his own companies to provide services to Gamani Corea etc. . Godfrey Gunatilleke was seeking to intervene on the ground that Lalith Kotelawala’s petition had made numerous allegations against Godfrey Gunatilleke, which Lalith Kotelawala had given as the main cause of action. Godfrey Gunatilleke asked to be heard both on the grounds of natural justice in view of Lalith Kotelawala’s abuse of the legal process in bringing allegations against Godfrey Gunatilleke without citing him as respondent and also as Godfrey Gunatilleke’s evidence according to Lalith Kotelawala’s petition itself showed, would be material for the adjudication of the case.

Both applications were dismissed with costs. The application by the Coreas was dismissed on the grounds that they had not furnished birth certificates to establish their relationship to Gamani Corea; that they had not stated that they were ready to take guardianship of Dr Corea or suggested a feasible alternative to Lalith Kotelawala’s request and that there were five applications which were too many for a summary hearing which had to be disposed of expeditiously. Godfrey Gunatilleke’s case was dismissed on the ground that he not being a close relative had no legal standing to

intervene in an application for guardianship and that he should seek remedy elsewhere on legal advice in regard to the allegations made against him by Lalith Kotelawala on which Godfrey Gunatilleke has asked to be heard.

Lawyers who appeared for the Coreas and Godfrey Gunatilleke strongly advised both parties to appeal, as they were firmly of the view that the judgements were gravely flawed and should be contested. Regrettably the Coreas opted to withdraw at this stage as they felt that there was no guarantee that the costs of further litigation would be met by Gamani Corea's friends and that they were not in a position to incur any financial liabilities. Godfrey Gunatilleke and other friends of Gamani Corea mentioned that while we could not give them an absolute guarantee, we had been able to raise funds to meet costs in the first round and that we were confident we would be able to raise sufficient funds among ourselves to cover the additional costs. The Coreas however were aware that Gamani Corea himself appeared to be somewhat indifferent to them, not having had any close relationships with them in the past. In this context they did not seem to feel any strong moral obligation to continue with the case.

Godfrey Gunatilleke has decided to continue with the case and has appealed against the court order refusing his intervention. The court order refusing Godfrey Gunatilleke's application was given on the 16th of December 2003. On the same date the judge had fixed the hearing on Lalith Kotelawala's application to obtain guardianship of Gamani Corea for the 8th of January 2004. The courts were on vacation for the Christmas holidays. Before Godfrey Gunatilleke's appeal could be heard or a stay order obtained Lalith Kotelawala's application was heard on the 8th of January 2004. Gamani Corea was not brought to court. A lawyer appeared for Gamani Corea and stated that he had received instructions from Gamani Corea to accept the medical certificates that had been submitted. Court had not questioned the propriety and credibility of a lawyer appearing for Gamani Corea who was alleged to be of unsound mind by the petitioner Lalith Kotelawala. On the submission of Gamani Corea's lawyer, the hearing was concluded, and order given as prayed for by Lalith Kotelawala. Lalith Kotelawala is now the legal guardian of Gamani Corea and the manager of his estate.

After the case was concluded on the 8th of January 2004, Gamani Corea expressed his surprise and concern that he had not been summoned by court and given a hearing. He denied all knowledge of employing a lawyer or of having given any instructions. He gave a statement to the press stating that he had not been summoned to court and that he does not want a guardian. He also complained to the Police – the Deputy Inspector General of Police – that the court had decided on the 8th to appoint Lalith Kotelawala as his guardian without summoning him or hearing him and that he had not engaged a lawyer. The Police have referred Gamani Corea's complaint to the Attorney General asking for advice as to how they should act. It appears that action at the AG's end is still pending.

### **The Current Situation [as of mid-2004]**

Godfrey Gunatilleke has gone before the appeal court for revision of the Court orders made on the 8th and 16th. The next hearing is on the 3rd of May 2004. If the appeal is

decided in Godfrey Gunatilleke's favour, (Godfrey Gunatilleke's lawyers consider that there are sufficient grounds for such a decision) the entire case will be reopened and there is a very good chance of reversing the decisions and making new arrangements for Gamani Corea's care, which would be much more acceptable to Gamani Corea. On the advice of the lawyers Godfrey Gunatilleke has also filed a separate appeal under section 580 of the Civil Procedure Code which entitles a relative, friend, or a doctor who has treated Gamani Corea to appeal against the court order on guardianship and management of property. If Godfrey Gunatilleke's first appeal against the order to intervene fails for any reason such as lack of legal standing, the appeal under section 580 would still have to be heard as the issue of legal standing of friend is adequately covered in that provision.

The present legal position is such that Lalith Kotelawala has full legal control over Gamani Corea as guardian. This leaves little room for Gamani Corea's friends to act except through a process of litigation. One positive aspect of the present situation is that Lalith Kotelawala becomes continuously accountable to Court, he is the "upper guardian" of Gamani Corea. The manager has to deliver to the court, within a time to be fixed by the court, a full inventory of the immovable and movable property, sums of money and other assets of the person of unsound mind. Thereafter annual accounts must be rendered to court; any relative can sue the manager for an account. The District Court can on application by the Attorney General, relative or SP or Government Agent remove the manager for any sufficient cause. If the court is informed by relatives or by any other means that the unsound mental condition of the person concerned has ceased it can institute an inquiry and take necessary action. Gamani Corea's friends in Sri Lanka are examining all various means of invoking the law that are available to bring relief to Gamani Corea. Some of them are also considering the possibility of appealing to the Court of Appeal and invoking its powers of reviewing the judgements of lower courts in instances where there has been a flagrant miscarriage of justice.

### ***Gamani Corea's Condition***

Friends who speak to Gamani Corea on the phone and who visit him have stated that his condition has not deteriorated. The problems of memory recall continue but there has been no sharp worsening. Apart from Godfrey Gunatilleke, Gamani Corea's step mother and cousin who were frequent visitors have been prohibited from visiting Gamani Corea. Gamani Corea is taken to social functions and meetings attended by security personnel. Dr Nimal Sandaratne had met him on the 4th of April at the funeral of a mutual friend. Gamani Corea had recognized Nimal and had greeted him. He had spoken to the dead friend's wife and had said that he recalled the friend and that he had worked with him. Nimal says Gamani Corea seemed normal. The security people with whom he had come had wanted to take him away after a while. At first he had said he wanted to stay longer, but he had been told that he has to take his medication and he had been persuaded to leave. Gamani Corea has spoken on a few occasions to Godfrey Gunatilleke on the phone. He says he wants his Foundation to continue but is confused about what he should do. The last occasion when Gamani Corea initiated the phone call to Godfrey was the evening of 13th April 2004. Godfrey and Gamani Corea spoke of Lal Jayawardene's death. Gamani Corea wanted to know how he could contact LJ's wife. He also said that

very few friends come to see him. He complained that his step mother, Mrs Ishwari Corea, and cousin Christabel Athurupana are not allowed to come to see him but seemed unable to do anything about it. He said he would like to meet Godfrey. When Godfrey explained that he was not permitted to visit him, GC, as usual, expressed surprise and vexation but showed that he was not in a position to countermand these orders. He said that he would arrange to meet Godfrey outside and suggested that they meet at the Golf Club. Godfrey requested him to let him know when he could do so and that he would arrange to meet him. Gamani Corea went on to say that he now takes a walk round the garden for about 20 minutes daily and sometimes twice a day. He said this gives him something to do as a daily routine and keeps him fit. All those who have seen him say that he appears to be well, physically. But there is little doubt that his present mental condition is such that although he is related to the outside world as a normal person recognizing people and conversing coherently, his memory causes confusion and he is definitely unable to take any firm decisions regarding his own affairs.

### ***The Gamani Corea Foundation: Legal Issues***

The Directors are examining the legal position of the Foundation in the light of the Court order that has made Lalith Kotelawala GC's guardian and manager of his property. Under the Foundation's articles of association, Gamani Corea is the life-time Chairman of the Foundation. Although the court has declared that at present he is not in a fit mental condition to manage his affairs, the Foundation cannot assume that he will not recover his capacity to function as Chairman at any time in the future. This possibility will continue to remain during Dr Corea's lifetime. It would therefore appear that some interim arrangement would have to be made to keep the Foundation working as a legal entity. There is also the question of Dr Corea's will. Lalith Kotelawala produced a copy of an un-executed will drawn up by a firm of lawyers FJ&Gde Saram in which Dr Corea leaves all his estate to the Foundation. This is dated June 2001. Therefore, the Foundation would have both a moral and legal obligation to take all these possibilities into account when it makes arrangements for its future.

**(This narrative ends in mid-2004)**

### **After Settlement with Lalith Kotelawala**

The Court of Appeal sets the terms of settlement on 9 December 2005. This includes among others:

Both Kotelawala and Gunatilleke to withdraw all allegations brought against each other.

Kotelawala to recognize the Foundation established by Gamani Corea incorporated in Feb 2000 as the legitimate Foundation and to annul the Trust he had created while holding the power of attorney.

Gunatilleke to accept Kotelawala as the legally appointed guardian of Corea and Kotelawala to remove all the restrictions he had imposed on visits to Corea and conducting meetings with Corea.

Kotelawala to gain approval of Court to provide the Foundation with funds to finance its activities from Corea's income in Geneva after the Corea's affairs in Geneva are settled. Gunatilleke to assist him in this task.

In terms of the agreement with Kotelawala, Godfrey Gunatilleke assisted Kotelawala to settle Gamani's affairs in Geneva and obtain access to his funds, including his pension. After Gamani fell ill he had ceased to communicate with UNCTAD and consequently his pension had not been paid and his medical expenses had not been claimed. Once Kotelawala gained access to Gamani's funds in Geneva he had undertaken to make an allocation to the GCF to commence a modest programme of activities. Gunatilleke introduced Kotelawala to Victor Santiyapillai who was a mutual friend of Corea and Gunatilleke. Santiyapillai was working in Geneva at the time as Director of the International Trade Centre. Kotelawala sent his lawyers to Geneva and on Victor's advice, engaged the services of a lawyer in Geneva who attended to matters relating to his apartment and bank accounts. Gunatilleke spent considerable time and effort assisting Kotelawala in this task.

Meanwhile GCF resumed its Board meetings and planning its future programme of work. It outlined a short-term programme which included a series of public lectures to be held once in two months, the collection of Gamani Corea's writings and publications and launching of Corea's autobiography and the recruitment of a small cadre of staff to carry out these activities. However, the Foundation could not proceed as planned as it did not obtain the funds from Geneva as expected.

Corea's autobiography which was completed before he fell ill was prepared for publication by Godfrey Gunatilleke including the final editing of the script. He was assisted in this task by Manel Silva, the ex-librarian of the Central Bank, a friend of Corea's and a well-wisher of the GCF. Gunatilleke requested Kotelawala to meet the cost of printing and launching the autobiography from Corea's funds. Kotelawala however agreed to meet the cost of printing from his own funds. Gunatilleke had invited Arjun Sen Gupta as the chief guest for the launching of the autobiography. Mangala Moonesinghe the Chairman of the Marga Institute at the time was able to obtain financial support for Sen's visit from a Indo-Lanka programme for exchange of scholars. The autobiography was launched in 2008. Sen Gupta who attended the meeting gave the keynote address. At the request of the GCF Board, Kotelawala arranged for Gamani to be present at the launch, attended by his caregivers.

In 2009 when criminal charges were brought against Kotelawala for mishandling of the deposits in Golden Key Credit Card Company, Kotelawala handed over the guardianship of Corea to his niece Ms Chandani Gunawardene and the management of Corea's assets to Messrs Julius & Creasy. Messrs Julius & Creasy were able to attend to Gamani's

affairs in Geneva and obtain access to Corea's assets and pension income. A fresh effort was made by the GCF to obtain funds for its activities and a modest proposal for a monthly budget of Rs 100,000 was submitted. Julius & Creasy however pointed out that Corea's health had deteriorated and his medical expenses were increasing and absorbing the major part of Corea's current income. They said that since Corea's medical care and personal well-being must be the first priority in the use of available funds, they would have to review the current and future commitments accordingly before seeking approval of court to allocate funds to the GCF. As a result, no funds were made available to the GCF during Corea's lifetime.

Meanwhile the Foundation continued to hold regular Board meetings and attend to various legal and administrative matters to sustain itself as a fully functioning legal entity. The Foundation was re-registered under the new Company Act. The Annual reports and audited accounts were submitted as statutorily required. Priya Amerasinghe resigned from the Board for personal reasons. Mr Jayantha Dhanapala was invited to serve on the Board, and he accepted the invitation. In 2012 Dr Saman Kelegama and Dr Indrajit Coomaraswamy were appointed to the Board. The Board recognized the fact that the future of the Foundation was uncertain and although a draft copy of the will bequeathing all Gamani Corea's property had been produced by Kotelawala, the Board realized that it would have to await the disclosure of the will after Corea's demise before it could take any firm decisions about the future of the Foundation.

During this period Dr Gamani Corea's mental health declined rapidly. He was unable to recall that he had been the Secretary General of UNCTAD and firmly denied that he had held that post and also said that he had no apartment in Geneva. He was also not able to recognize some of his friends who visited him. He refused to admit that he was under the guardianship of Lalith Kotelawala. Corea was hospitalized on a few occasions for treatment of various physical ailments. Some of the Board members continued to visit him. Godfrey Gunatilleke continued to visit him regularly in his home and in hospital.

**(This narrative ends by late 2013)**

### **Addendum by Tilak Abeysinghe**

The Board of Directors of the GCF led by Dr Godfrey Gunatilleke and several other well-wishers have sacrificed time, energy, and money on behalf of Dr Gamani Corea just because of their close relationship with Dr Corea and their respect for him. There was no personal gain from engaging in such a lengthy struggle to salvage the Foundation that was setup by Dr Corea for a worthy cause. Even the subsequent members of the Board have provided bona fide services. They truly have performed an exemplary task. Charity is charity when one does it without expecting anything in return, even a good afterlife.