

*The Right to Information Commission*

A.A.M.R. Ali,  
140/B,  
Cassim Road,  
Kalmunai-10

**-Appellant-**

**RTIC App/No : 17/2023**

Vs.

Sri Lanka Navy,  
PO Box 593,  
Colombo.

**-Public Authority-**

**Before** : 1. Justice Upaly Abeyrathne (Rtd.) - Chairman  
2. Justice Rohini Walgama (Rtd.) - Commissioner  
3. Ms. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner  
4. Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner  
5. Mr. A.M. Nahiya - Commissioner

**Appearance** : The Appellant is present

The Public Authority represented by Capt. Asanka Karunaratne,  
Deputy Director (Legal)

**Written Submission :**

The Appellant : - Not submitted

The Public Authority : - Not submitted

**Date of Hearing** : 27.04.2023, 22.06.2023, 29.08.2023

**Decided on** : 29.08.2023

## **Decision of the Commission:**

### **Factual Background:**

The Appellant by the request dated 01/09/2022, requested the below information,

*Media Reports said that Former President Gotabaya Rajapaksa reportedly boarded Sri Lanka Navy Ship SLNS Gajabahu some days in month of July:*

1. *Are the media reports confirmed?*
2. *What is the name of the ship?*
3. *If yes, how many days did Former President Gotabaya Rajapaksa board in the ship? Please give the dates of his boarding?*
4. *Which areas did Former President Gotabaya Rajapaksa travel in this ship?*
5. *How many persons boarded with Former President Gotabaya Rajapaksa in the ship? Names and designation.*
6. *How much amount of money did Sri Lanka Navy cost for the travel of Former President Gotabaya Rajapaksa in this ship?*
7. *Who paid this money? When did they pay?*
8. *Who did give the approval to Navy to board Former President Gotabaya Rajapaksa and his team in the ship? If there is any document approval, please share.*

The Information Officer responded to the information request by a letter dated 21/11/2022 stating as follows;

*Reference : Your letter on Right to Information Act dated 01<sup>st</sup> September 2022*

1. *In pursuant to the letter under reference the details of subject matter cannot be given due to the disclosure of such information would undermine the national security. Furthermore, those information are falling within the exceptions of sec 5(1)(b)(I) of Right to Information Act No.12 of 2016.*
2. *Forward for your kind information please.*

Dissatisfied with the response of the Information Officer, the Appellant lodged an appeal to the Designated Officer on 26/11/2022. As the Designated Officer failed to respond within the time period stipulated in the Act, the Appellant preferred an appeal to Commission dated 05/01/2023.

## **Consideration:**

The Public Authority has denied the release of information under Section 5 (1) (b) (i) of the Right to Information Act No. 12 of 2016. We heard the submissions made by both parties at the inquiry held on 22.06.2023 and concluded that we are in agreement with the written submission made by the Public Authority with regard to item nos. 01, 02, 03, 04, 05 and 08 of the said information request.

Thereafter, the Public Authority has moved further date for inquiry in order to consider the release of information requested under item nos. 06 and 07 of the said information request. The Public Authority has submitted to the Commission by letter dated 08.08.2023 that they remain in the position that they have already taken under Section 5 (1) (b) (i) of the Right to Information Act No. 12 of 2016.

We considered the several submissions made by the Public Authority verbally and in writing. We note that the information requested under item nos. 06 and 07 does not fall within the ambit of “undermining the defence of the State or its territorial integrity or national security”. The Appellant has sought the money incurred by the Public Authority in that regard and the question as to by whom the said money was paid *inter alia*. Such information does not in any way attach threat or otherwise to the national security or territorial integrity. The Public Authority has not shown any proof to establish such threat or otherwise which may cause by releasing of such information as requested by the Appellant under item nos. 06 and 07 of the said information request.

In the said premise, we are unable to ascertain the truthfulness of the submission made by the Public Authority. In the absence of such proof this Commission has no option but to make a decision in favour of the Appellant. Therefore, we decide that Vice admiral Priyantha Perera the Head of the Public Authority Commander of the Sri Lanka Navy and the Information Officer of the Public Authority, Commodore W.A. Weerasinghe, Director (Naval Operations) should release the information requested under item nos. 06 and 07 of the said information request to the Appellant on or before 27.09.2023, with copies to the Commission.

The Commission further decides that, if the Public Authority fails to comply with the said decision of the Commission before the said date, the Information Officer and the Public Authority shall be prosecuted before the relevant Magistrate’s Court under Section 39 of the Right to Information Act No.12 of 2016.

For the completeness of this decision, we place on record that, in terms of Rule No. 11 of Right to Information Commission Rules of 2017, the Public Authority is not entitled to charge any fee from a citizen for the release of the information upon a decision made by this Commission.

The Director General is directed to convey the Decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.