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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Proclamations & C., by the President

Seal

GOTABAYA RAJAPAKSA

By His Excellency Gotabaya Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka

To :

1. Hon. A.H.M.D. Nawaz Esquire
Judge of the Supreme Court
2. Chandra Fernando Esquire
Retired Inspector-General of Police
3. Nimal Abeyesiri Esquire
Retired District Secretary

Greetings !

Whereas, the decision taken by the Government of Sri Lanka to withdraw from co-sponsorship of 40/1 Resolution in March 2019 on Reconciliation, Accountability and Promotion of Human Rights in Sri Lanka and its preceding resolutions 30/1 of October 2015 and 34/1 of March 2017 has been announced at the 43rd session of the United Nations Human Rights Council held on 26th and 27th of February 2020;

Whereas, the policy of the Government of Sri Lanka is to continue to work with the United Nations and its Agencies to achieve accountability and human resource development for achieving sustainable peace and reconciliation, even though Sri Lanka withdrew from the co-sponsorship of the aforesaid resolutions;



Whereas, the Government of Sri Lanka is committed to ensure that, other issues remain to be resolved through democratic and legal processes and to make institutional reforms where necessary to ensure justice and reconciliation;

Whereas, it has been identified as a fundamental requirement to pursue a non-aligned foreign policy that protects the sovereignty of Sri Lanka in achieving the objectives stated in the Government Policy Statement;

Whereas, preceding Commissions of Inquiry and Committees have been set up to investigate the alleged violations of human rights which had been reported to have occurred;

Whereas, said Commissions of Inquiry and committees have reported that certain human rights related and other offences have taken place and have made various recommendations;

And whereas, I am of the view that it is necessary that a Commission of Inquiry be appointed to investigate and inquire into and report or take necessary action on matters hereinafter referred to and provided for,

Now therefore, I, Gotabaya Rajapaksa, the President of the Democratic Socialist Republic of Sri Lanka reposing great trust and confidence in your integrity, prudence, ability and fidelity, do in pursuance of the provisions of Section 2 of the Commission of Inquiry Act (Chapter 393), by these presents appoint you, the said –

1. Hon. A.H.M.D. Nawaz Esquire
Judge of the Supreme Court
2. Chandra Fernando Esquire
Retired Inspector-General of Police
3. Nimal Abeysiri Esquire
Retired District Secretary

to be my Commissioners to investigate and inquire into, take necessary action or report on the following matters, namely –

- (a) Find out whether preceding Commissions of Inquiry and Committees which have been appointed to investigate into human rights violations, have revealed any human rights violations, serious violations of the international humanitarian law and other such serious offences;
- (b) Identify what are the findings of the said Commissions and Committees related to the serious violations of human rights, serious violations of international humanitarian laws and other such offences and whether recommendations have been made on how to deal with the said facts;
- (c) Manner in which those recommendations have been implemented so far in terms of the existing law and what steps need to be taken to implement those recommendations further in line with the present Government policy;
- (d) Overseen of whether action is being taken according to (b) and (c) above;

Further, I do hereby appoint you the said Hon. A.H.M.D. Nawaz, Judge of the Supreme Court to be the Chairman of the said Commission.

Further, I do hereby authorize and empower you, the said Commissioners, to conduct or cause the conduct of necessary investigations and inquiries and require you to transmit to me Interim Reports where it is necessary, and the final Report within six months of the date hereof under your hand, setting out the findings of your investigations and inquiries, and your recommendations relating thereto.

And, I do hereby direct such part of any inquiry relating to the aforesaid matters as you may in your discretion determine, shall not be held in public.

Further, I hereby direct all Government Officers, Officers of the Statutory Boards and other persons from whom you may request assistance or information for the purposes of your investigations or inquiries, to give all possible assistance to the task at hand and provide all possible information.

Further, I hereby declare that the provisions of Section 14 of the Commission of Inquiry Act (Chapter 393) shall apply to this Commission.

Given at Colombo under the Seal of the Democratic Socialist Republic of Sri Lanka on this 20th day of January Two Thousand and Twenty one.

By His Excellency's Command,

P. B. JAYASUNDERA,
Secretary to the President.

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