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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2212/53 - 2021 ජනවාරි මස 29 වැනි සිකුරාදා - 2021.01.29
No. 2212/53 - FRIDAY, 29, JANUARY, 2021

(Published by Authority)

PART I : SECTION (I) — GENERAL

Proclamations & C., by the President

P.S.No. : PS/CSA/00/1/14/28.

**BY HIS EXCELLENCY GOTABAYA RAJAPAKSA, PRESIDENT OF
THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA**

Seal

GOTABAYA RAJAPAKSA

1. Hon. Dhammika Priyantha Samarakoon Jayawardena Esquire
Judge of the Supreme Court
2. Hon. Khema Kumudini Wickremasinghe
Judge of the Supreme Court
3. Hon. Rathnapriya Gurusinghe
Judge of the Court of Appeal

To :

Greetings !

Whereas, as per the Report and the Commission of Investigation appointed by virtue of the powers vested in me by Section 2 of the Commission of Inquiry Act (Chapter 393) holding office for a period commencing on 08th January 2015 and ending on 16th November 2019, and/or prior to the Presidential Election and/or General Election in the months of January and August, 2015, respectively, to investigate and obtain information on alleged activities to directly or implicitly political victimization against public officers, employees of public corporations, members of the Armed Forces and the Police or any other person, the said report which is in 3 volumes including Correction of Letters and printing errors, was submitted to me. Noting that, after submitting the final report of the Commission of Inquiry to the Cabinet of Ministers, which is in 3 volumes including Correction of Letters and Typos, the Cabinet of Ministers has approved the implementation of the decisions and recommendations under items 08, 09 and 10 of that report.

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The above said decisions and recommendations of the final reports states, that by establishment of the Commission to Investigate Allegations of Bribery or Corruption, Financial Investigations Divisions of the Sri Lanka Police of the Special Investigations Unit of the Sri Lanka Police was established contrary to the provisions of the Code of Criminal Procedure. These were established by a set of people of a political organization under the name of Anti - corruption Committee and a National Executive Council, which was establish against the Constitution of the Democratic Socialist Republic of Sri Lanka and contrary to the provisions of the same, with the intention of directly or indirectly retaliate the Complainants who are mentioned in item number 09 and 10 of the above said investigation report.

And, whereas, noting that, for implementation of Decision No. 1 and Recommendation 1, mentioned under Item No. 08 in the final report of the Commission of Investigation mentioned above, the Cabinet of Ministers has decided to take the necessary steps to create another suitable mechanism as recommended by Parliament or to appoint Special Presidential Commission.

Now therefore, I, Gotabaya Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka reposing great trust and confidence in your prudence, ability and fidelity, do hereby in pursuance of the provisions of Section 2 of the Special Presidential Commission of Inquiry Act No. 07 of 1978 National State Assembly which was amended by the No. 4 of 1978 of Special Presidential Commission of Inquiry Act (Special Provisions) by these presents do hereby appoint you, the said;

1. Hon. Dhammika Priyantha Samarakoon Jayawardena Esquire
Judge of the Supreme Court
2. Hon. Khema Kumudini Wickremasinghe
Judge of the Supreme Court
3. Hon. Rathnapriya Gurusinghe
Judge of the Court of Appeal

to act upon the below mentioned matters,

1. Including the above mentioned facts in the report, if respondents mentioned in the item No. 08 of the above report was,
 - I. Violating the provisions of the Constitution of Democratic Socialist Republic of Sri Lanka, while destructing the oath which had been given in accordance with the provision of the said Constitution
 - II. Abuse or misuse of power, interference, fraud, corruption, criminal misuse, criminal breach of trust or nepotism
 - III. Political retaliation against some one
 - IV. When,
 - (a) Making any appointment or transfer,
 - (b) Granting a promotion,
 - (c) Terminating the service, of some oneDue to any type of disorder
 - (d) Violating of any written law

as my commissioners in order to further investigate and report whether above malpractices have done and what extent are the above respondents so responsible, and to recommend whether a person should be subjected to a community disability according to the provisions of Article 81 of the Constitution of the Democratic Socialist Republic of Sri Lanka and Section 9 of the Special Presidential Commission of Inquiry Act No. 7 of 1978, as amended by the Special Presidential Commission of Inquiry (Special Provisions) Act No. 4 of 1978.

Further, I do hereby appoint you the said **Hon. Dhammika Priyantha Samarakoon Jayawardena, Judge of the Supreme Court** to be the **Chairman** of the said Special Presidential Commission of Inquiry.

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 the Final Report or Interim Reports within **three months** of the date hereof under your hand, setting out the findings of your investigations and inquiries, and your recommendations, conclusions and imposed punishments relating thereto.

Further, if you decide to hold any inquiry or investigate or part of the same to be done without public awareness, I hereby direct and allow you that neither should be done in public.

And, I do 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 Special Presidential Commission of Inquiry Act No. 7 of 1978 National State Assembly, shall apply to this Special Commission of Inquiry.

Given at Colombo under the Seal of the Democratic Socialist Republic of Sri Lanka on this 28 day of January Two Thousand and Twenty one.

By His Excellency's Command,

P. B. JAYASUNDERA,
Secretary to the President.