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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2141/88 - 2019 සැප්තැම්බර් මස 21 වැනි සෙනසුරාදා - 2019.09.21
No. 2141/88 - SATURDAY, SEPTEMBER 21, 2019

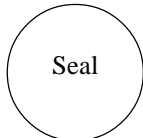
(Published by Authority)

PART I : SECTION (I) — GENERAL

Proclamations & C. by the President

P.S. No. PS/CSA/00/1/14/8

BY HIS EXCELLENCY MAITHRIPALA SIRISENA
PRESIDENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA



MAITHRIPALA SIRISENA

To :

- (i) Hon. Janak de Silva Esquire
Judge of the Court of Appeal
- (ii) Hon. Nissanka Bandula Karunarathna Esquire
Judge of the Court of Appeal
- (iii) Hon. Nihal Sunil Rajapaksa Esquire
Retired Judge of the Court of Appeal
- (iv) Hon. Atapattu Liyanage Bandula Kumara Atapattu Esquire
Retired Judge of the High Court
- (v) Ms. W.M.M. Adikari
Retired Ministry Secretary



Greetings :

WHEREAS, as on 21st April, 2019, suicide bomb attacks took place in Catholic Churches at Kochchikade in Colombo, Katuwapitiya in Negombo and in Zion Christian Church in Batticaloa and in main Hotels in Colombo, causing deadly injuries to a large number of persons and making a large number of people totally disabled and loss of lives and causing damages to a large number of properties ;

AND WHEREAS, a large number of complaints and allegations have been made against persons, who were public servants / officers, who are alleged to have direct or indirect connections with causing loss of life, totally disabling persons, injuries to a large number of persons and causing damages to properties as a result of aforesaid suicide bomb attacks ;

AND WHEREAS, it is imperative to ensure that the law should be implemented against those who are directly or indirectly responsible for those attacks ;

AND WHEREAS, I am of the opinion that it is in the best interest of public security and welfare to cause the conduct of investigations and inquiries into such complaints, allegations and information, in order to ascertain what measures should be taken to provide far and ensure that the law is appropriately enforced and wrong doers dealt with in terms of the law and that there will be no recurrence of such alleged acts and / or omissions, negligence or failure to perform duties amounting to offences and abuse or misuse of power or authority ;

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, Maithripala Sirisena, 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 —

- (i) Hon. Janak de Silva Esquire
Judge of the Court of Appeal
- (ii) Hon. Nissanka Bandula Karunarathna Esquire
Judge of the Court of Appeal
- (iii) Hon. Nihal Sunil Rajapaksa Esquire
Retired Judge of the Court of Appeal
- (iv) Hon. Atapattu Liyanage Bandula Kumara Atapattu Esquire
Retired Judge of the High Court
- (v) Ms. W.M.M. Adikari
Retired Ministry Secretary

to be my Commissioners to investigate and inquire into, take necessary action to enable future legal actions, and report on the following matters, namely —

1. To call and receive public complaints, information and other materials against public servants / officers or other persons who were working at that time or who still work or any other persons who are alleged to have direct or indirect connections to the bomb explosion that took place on 21st April, 2019 causing loss of life or damaged to properties or regarding acts or abuse or misuse of power and such other alleged act and / or omissions,
2. To held prompt, impartial, complete investigations and inquiries regarding complaints, information and other materials referred to in paragraph 1 above,

3. To identify persons and organizations who are directly or indirectly connected to these terrorist acts referred to in paragraph 1 above,
4. To identify officers and authorities responsible who failed to pre- determine that a terrorist and extremist activities of this nature would take place within the country and to ascertain matters incidental it and who failed or neglected to take action according to law and not taking proper actions in this regard,
5. To identify all authorities who are responsible for failure to prevent the terrorist attacks that took place on 21st April, 2019 and for identify the authorities, who failed to perform their duties and did not take proper action due to incapacity,
6. To identify persons and organizations, who are connected with public protests, acts of sabotage, causing damages to properties and persons and thereby causing public unrest, after the attack took place on 21st April, 2019,
7. To identify persons, organizations, who aid and abet actions which caused racial and religious disturbances or give support for such acts within the country and which created public unrest and which disturbed social order and disrupted the social integrity and caused racial disturbances,
8. To ascertain the circumstances and causes that led to an the nature and particulars of the incidents which took place in the Island on 21st April, 2019 and resulting in —
 - (a) death or total disablement or injury to persons;
 - (b) the destruction or damage of property belonging to or in the possession of any state institution or state or a place of religious worship or private institution;
9. Whether any person or body of persons or any organization or any person or persons connected with such organization —
 - (a) committed or conspired to commit ;
 - (b) aided or abetted in or conspired to aid or abet financially / physically or psychologically in the commission ;
 - (c) in any manner assisted encourage or were concerned in or conspired to assist or encourage the Commission of any of the acts referred to in paragraph (1) and to recommend such measures as may be necessary —
 - (i) to rehabilitate or assist in any other manner the persons affected by such course of action ;
 - (ii) to ensure the safety of the public ;
 - (iii) to prevent the recurrence of such incidents.
10. To identify which of the acts coming within the ambit of matters referred to in above, should be forwarded to the Commission to Investigate Allegations of Bribery or Corruption or to the Police or to any other law enforcement authority or statutory body for the conduct of necessary investigations and inquiries with the view to instituting criminal proceedings against persons alleged to have committed to the said offences,

11. To transmit to the Attorney General such material on investigations and inquiry, enabling the Attorney General to consider the institution of criminal proceedings against persons alleged to have committed the said offences ;
12. To present to me recommendations of the commission regarding what action if any, should be taken against those held responsible for having committed offences and acts of wrongdoing and recommendations aimed at preventing the occurrence of such offences and acts of wrongdoing in the future,
13. To make recommendations on measures to be taken to prevent the possible damage to national security and national unity by such acts of terrorism and extremism.

AND, I do hereby appoint you the said **Hon. Janak de Silva Esquire** to be the **Chairman** of the said Commission.

AND, I do hereby authorize and empower you, the said commissioners, to conduct or cause the conduct of necessary criminal and forensic investigations and inquiries and hold all public and / or confidential inquiries into the aforesaid matters as may appear to you to be necessary, and require you to transmit to me within **three months** from the date of this warrant the first Interim Report, and thereafter subsequent Interim Reports **once in two months**, and the final Report within the **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 hereby direct that any three Commissioners from among you shall participate in the Commission meetings to fulfill its quorum.

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

AND, I do hereby require and direct all public servants, armed forces personnel and officers of statutory bodies, and other persons to whom you may apply for assistance or information, to render all such assistance and furnish all such information required for investigation or inquiries as may be properly rendered and furnished in that behalf.

AND, I do hereby declare that the provisions of Section 14 of the aforesaid Commissions of Inquiry Act, No. 17 of 1948 (Chapter 393) as amended, shall apply to this Commission.

Given at Colombo, under the Seal of the Democratic Socialist Republic of Sri Lanka on this Twentieth day of September, Two Thousand and Nineteen.

By order of His Excellency,

UDAYA R. SENEVIRATNE,
Secretary to the President.