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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1871/18 - 2014 ජූලි මස 15 වැනි අඟහරුවාදා - 2014.07.15

No. 1871/18 - TUESDAY, JULY 15, 2014

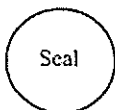
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## PART I : SECTION (I) — GENERAL

### Proclamations & C., by the President

P.S. No. CSA/7/8/15.

BY HIS EXCELLENCY MAHINDA RAJAPAKSA PRESIDENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA



MAHINDA RAJAPAKSA.

To :

1. Maxwell Parakrama Paranagama Esquire
2. Madam Dimingu Badathuruge Priyanthi Suranjana Vidyaratne
3. Madam Mano Ramanathan

Greetings :

WHEREAS, the Report of the Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC) dated 15th November, 2011 in Chapter 9 entitled Principal Observations and Recommendations contains several recommendations of the Commission framed within its mandate ;

WHEREAS, I have already set in motion a number of initiatives to address the several concerns arising from the internal armed conflict, such as, the Parliamentary Select Committee ; The Commission on Lessons Learnt and Reconciliation ; The programme for Rehabilitation of non-state actors to the conflict ; The National Plan of Action for the Implementation of the Recommendations of the LLRC ; The National Action Plan for the Promotion and Protection of Human Rights ; The Courts of Inquiry and the Board of Inquiry established under the provisions of the Army Act ;

WHEREAS, following these initiatives, outstanding progress is being achieved by the institutional mechanisms set up under the above initiatives as well as by all Government Ministries and Departments, to give effect to the recommendations of the LLRC ;



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WHEREAS, in a spirit of compassion and the larger interest of national reconciliation, peace and harmony among all the people of Sri Lanka, I have secured the rehabilitation and resettlement of thousands of former combatants of the LTTE and brought them into the mainstream of national life ; returned over 3500 child soldiers of the LTTE to their parents and provided them with opportunities to pursue their education and fulfill their potential as peaceful citizens of Sri Lanka ; and encouraged several leaders of the LTTE to publicly denounce and abandon violence and persuaded them to join the mainstream of political life in the country to work together within a democratic framework, to develop the country and collectively find peaceful solutions to the country's political, social and economic challenges ;

WHEREAS, I am of the opinion that it is in the interest of public welfare to make further inquiries into several other matters specifically and generally referred to in the Report of the LLRC which require further inquiry,

NOW THEREFORE I, Mahinda Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka, do in pursuance of the provisions of Section 2 of the Commissions of Inquiry Act (Chapter 393), by these presents extend the scope of the mandate of the Commission of Inquiry appointed vide Gazette Notification 1823/42 dated 15th August 2013, to inquire and report on the following matters that have been referred to in the Report of the LLRC, namely :

- A. The matters referred in paragraph 4.359 of the Report of the LLRC. In this connection, the Commission is hereby required to investigate and report on the following specific issues :
  - i. The principal facts and circumstances that led to the loss of civilian life during the internal armed conflict that ended on the 19th May 2009, and whether any person, group or institution directly or indirectly bears responsibility in this regard by reason of a violation or violations of international humanitarian law or international human rights law.
  - ii. Whether such loss of civilian life is capable of constituting collateral damage of a kind that occurs in the prosecution of proportionate attacks against targeted military objectives in armed conflicts and is expressly recognized under the laws of armed conflict and international humanitarian law, and whether such civilian casualties were either the deliberate or unintended consequence of the rules of engagement during the said armed conflict in Sri Lanka.
  - iii. The adherence to or neglect of the principles of distinction, military necessity and proportionality under the laws of armed conflict and international humanitarian law, by the Sri Lankan armed forces.
  - iv. Whether the LTTE as a non-state actor was subject to international humanitarian law in the conduct of its military operations.
  - v. The use by the LTTE of civilians as human shields and the extent to which such action constitutes a violation of international humanitarian law or international human rights law, and did or may have significantly contributed to the loss of civilian life.
- B. The recruitment of child soldiers by the LTTE or illegal armed groups-affiliated with the LTTE or any political party in violation of international humanitarian law or international human rights law.
- C. International criminal activities of the LTTE and the application of financial and other resources obtained through such illegal activities in the prosecution of the conventional and guerilla war in Sri Lanka by the LTTE.
- D. The suicide attacks by LTTE using child soldiers and other combatants under the direct orders of the leader of the LTTE, Velupillai Prabhakaran or any persons acting on his behalf, and the culpability for such actions under international humanitarian law or international human rights law.

AND WHEREAS, I am of the opinion that it is expedient that the said Commission of Inquiry should have the benefit of the advice of distinguished international experts, whose internationally recognized expertise and experience encompasses legal and other relevant dimensions of the matters set out above. I hereby appoint the following to serve on an Advisory Council to the Commission of Inquiry to which I may appoint other experts as may be required from time to time, to advise the Chairman and Members of the Commission of Inquiry, at their request, on matters pertaining to the work of the Commission :

1. The Right Honourable Sir Desmond de Silva, QC (Chairman)
2. Sir Geoffrey Nice, QC
3. Prof. David Crane

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka on this 14th day of July, Two Thousand and Fourteen.

By Order of His Excellency,

LALITH WEERATUNGA,  
Secretary to the President.

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No. 1823/42 - THURSDAY, AUGUST 15, 2013

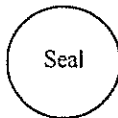
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**PART I : SECTION (I) — GENERAL**

**Proclamations & c., by the President**

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

P.S. No. : CSA/7/8/15.



MAHINDA RAJAPAKSA

To :

1. Maxwell Parakrama Paranagama Esquire
2. Madam Dimingu Badathuruge Priyanthi Suranjana Vidyaratne
3. Madam Mano Ramanathan

Greetings :

Whereas, complaints have been received to the effect that some persons resident in the Northern and Eastern Provinces of Sri Lanka which were affected by unfortunate incidents during the period June 10, 1990 when the second Elam War started and May 19, 2009 when the said War ended, were abducted from their places of residence or such persons had disappeared from their places of residence, and that the whereabouts of those persons alleged to have been abducted or have disappeared are not known.

And whereas, it has become necessary to ascertain the veracity of such complaint and to identify those person alleged to have been so abducted or have disappeared, in case such complaint are found to be true,

And whereas, it has also become necessary to identify the person or persons responsible for such abductions or disappearances and to institute legal action against such person or persons,

And whereas, I am of the opinion that it is in the interest of the public security and wel-being to conduct inquiries in order to determine what measures should be adopted to ensure that there will be no recurrence of such acts in the future,



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PART I : SEC. (I) - GAZETTE EXTRAORDINARY OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA - 15.08.2013

Whereas, I am of the view that it is necessary that a Commission of Inquiry be appointed to investigate and report on matters hereinafter referred to,

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

1. Maxwell Parakrama Paranagama Esquire
2. Madam Dimingu Badathuruge Priyanthi Suranjana Vidyaratne
3. Madam Mano Ramanathan

to be my Commissioners to inquire into and report on the following matters namely :

- (a) Whether any persons resident in the Northern and Eastern Provinces during the period June 10, 1990 to May 19, 2009 have been abducted or have disappeared from their places of residence ;
- (b) Evidence in proof of the fact that such persons have been abducted or have disappeared ;
- (c) Who are those so abducted or have disappeared and their present whereabouts ;
- (d) Cogent factors or evidence that would help form an idea about the person or persons responsible for the said abduction or disappearances ;
- (e) Legal action that could be instituted against the person or persons who are found to be responsible ;
- (f) Measures that should be taken to ensure that there will be no recurrence of such acts in the future ;
- (g) If there is any reasonable relief to be granted as an obligation on the part of the Government to the parents, spouses and dependants of those alleged to have been so abducted or have disappeared ;

And I do hereby appoint you the said Maxwell Parakrama Paranagama Esquire, to be the Chairman of the said Commission ;

And I do hereby authorize and empower you, the said Commissioners, to hold all such inquiries and make all other investigations, into the aforesaid matters as may appear necessary, and require you to transmit to me within six months from the date of this warrant a report thereon under your hand, setting out the findings of your 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 ;

And I do hereby require and direct all public officers, and other persons to whom you may apply for assistance or information to render all such assistance and furnish all such information as may be properly rendered and furnished in that behalf ;

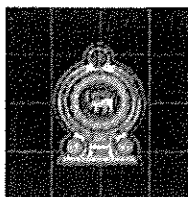
And I do hereby declare that the provisions of Section 14 of the aforesaid Commissions of Inquiry Act shall apply to the Commission.

Given at Colombo under the seal of the Democratic Socialist Republic of Sri Lanka on this 12th day of August, Two Thousand and Thirteen.

By Order of His Excellency,

LALITH WEERATUNGA,  
Secretary to the President.

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Thursday, July 17, 2014 - 06.10 GMT

### **President appoints international Advisory Council to the Disappearances Commission**

President Mahinda Rajapaksa yesterday appointed an Advisory Council to the Presidential Commission to Investigate Complaints Regarding Missing Persons, extending the scope of the mandate of the commission. The Advisory Council comprises three legal luminaries. The Right Honourable Sir Desmond de Silva was appointed as the chairman of the council while Sir Geoffrey Nice, and Prof. David Crane are the members.

The Presidential Commission to Investigate Complaints Regarding Missing Persons appointed vide Gazette Notification 1823/42 dated 15th August 2013 is mandated to inquire and report on the matters that have been referred in paragraph 4. 359 to in the Report of the Lessons Learnt and Reconciliation Commission (LLRC).

The Advisory Council is tasked with advising the Chairman and Members of the Commission of Inquiry, at their request, on matters pertaining to the work of the Commission.

A. The Commission of Inquiry was appointed to investigate and report on the following specific issues:

i. The principal facts and circumstances that led to the loss of civilian life during the internal armed conflict that ended on the 19th May 2009, and whether any person, group or institution directly or indirectly bears responsibility in this regard by reason of a violation or violations of international humanitarian law or international human rights law.

ii. Whether such loss of civilian life is capable of constituting collateral damage of a kind that occurs in the prosecution of proportionate attacks against targeted military objectives in armed conflicts and is expressly recognized under the laws of armed conflict and international humanitarian law, and whether such civilian casualties were either the deliberate or unintended consequence of the rules of engagement during the said armed conflict in Sri Lanka.

iii. The adherence to or neglect of the principles of distinction, military necessity and proportionality under the laws of armed conflict and international humanitarian law, by the Sri Lankan armed forces.

iv. Whether the LTTE as a non-state actor was subject to international humanitarian law in the conduct of its military operations.

v. The use by the LTTE of civilians as human shields and the extent to which such action constitutes a violation of international humanitarian law or international human rights law, and did or may have significantly contributed to the loss of civilian life.

B. The recruitment of child soldiers by the LTTE or illegal armed groups affiliated with the LTTE or any political party in violation of international humanitarian law or international human rights law.

C. International criminal activities of the LTTE and the application of financial and other resources obtained through such illegal activities in the prosecution of the conventional and guerilla war in Sri Lanka by the LTTE.

D. The suicide attacks by LTTE using child soldiers and other combatants under the direct orders of the leader of the LTTE, Velupillai Prabhakaran or any persons acting on his behalf, and the culpability for such actions under international humanitarian law or international human rights law.

Sir Desmond de Silva an internationally acclaimed Sri Lankan is a prominent British lawyer, and former United Nations Chief War Crimes Prosecutor in Sierra Leone.

Sir Geoffrey Nice worked at the International Criminal Tribunal for the Former Yugoslavia – the ICTY – between 1998 and 2006.

Prof. David M. Crane an American lawyer was the Chief Prosecutor of the Special Court for Sierra Leone (SCSL) from April 2002 until July 15, 2005.

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■ **Contact Information::** Send mail to [priu@presidentsoffice.lk](mailto:priu@presidentsoffice.lk) with questions or comments about this web site.  
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