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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

L.D. CF 1/64

A PROCLAMATION BY HIS EXCELLENCY THE PRESIDENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Seal

MAHINDA RAJAPAKSA.

WHEREAS Notwithstanding efforts made and measures adopted in good faith by the Government of the Democratic Socialist Republic of Sri Lanka to create peace and politically resolve the national problem, the territorial integrity and the sovereignty of the Democratic Socialist Republic of Sri Lanka, which continues to be threatened and endangered by acts of terrorism perpetrated by certain persons and organizations, particularly with the intent of seceding from the said Republic and establishing a separate sovereign State in certain parts of the territory of the Democratic Socialist Republic of Sri Lanka ;

AND WHEREAS, the intensity and nature of such terrorist activities are continuing in a manner detrimental to national and public security, public order and maintenance of supplies and services essential to the life of the community ;

AND WHEREAS, notwithstanding efforts made in good faith by the Government of Sri Lanka to develop a peaceful political solution to the national problem, it now appears that such persons and organizations involved in the perpetration of such terrorist acts may in furtherance of their objective to establish a separate State in certain parts of the Democratic Socialist Republic of Sri Lanka , unilaterally declare their purported independence from the Democratic Socialist Republic of Sri Lanka ;

AND WHEREAS, in view of the foregoing, there exists a state of public emergency, and the existing situation is in my view detrimental to public security, public order, and the maintenance of supplies and services essential to the life of the community ;

AND WHEREAS, in the interests of public security, public order and the maintenance of supplies and services essential to the life of the community, it is necessary to prevent, suppress, terminate and prohibit such further acts of terrorism and other specified terrorist activities ;

AND WHEREAS, being mindful, of the need to efficaciously give effect to obligations cast on the Democratic Socialist Republic of Sri Lanka by international Conventions and other legally binding international legal instruments relating to the prevention and suppression of terrorism to which Sri Lanka is a Party to, including in particular the United Nations Security Council Resolution No. 1373 (2001) adopted on September 28, 2001 under Chapter VII of the United Nations Charter, wherein it is obligatory to take meaningful measures to prevent and suppress terrorism, the President intends making regulations in terms of the Public Security Ordinance (Chapter 40).

Given at Colombo this Sixth day of December, Two Thousand and Six.

By His Excellency's command,

LALITH WEERATUNGA,
Secretary to the President.

Government Notifications

L.D. CF 1/64.

THE PUBLIC SECURITY ORDINANCE (CHAPTER 40)

REGULATIONS made by the President under Section 5 of the Public Security Ordinance (Chapter 40).

MAHINDA RAJAPAKSA,
President.

Colombo,
6th December, 2006.

REGULATIONS

1. These Regulations may be cited as the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations No. 07 of 2006.

2. Notwithstanding efforts made and measures adopted in good faith by the Government of the Democratic Socialist Republic of Sri Lanka to create peace and politically resolve the national problem, the territorial integrity and the sovereignty of the Democratic Socialist Republic of Sri Lanka continues to be threatened and endangered by acts of terrorism perpetrated by certain persons and organizations, particularly with the intent of seceding from the said Republic and establishing a separate State in certain parts of the territory of the Democratic Socialist Republic of Sri Lanka ;

3. The intensity and nature of such terrorist activities are continuing in a manner detrimental to national and public security, public order and maintenance of supplies and services essential to the life of the community ;

4. Notwithstanding efforts made in good faith by the Government of Sri Lanka to develop a peaceful political solution to the national problem, it now appears that such persons and organizations involved in the perpetration of such terrorist acts may in furtherance of their objective to establish a separate State in certain parts of the Democratic Socialist Republic of Sri Lanka, unilaterally declare their purported independence from the Democratic Socialist Republic of Sri Lanka ;

5. Being mindful, of the need to efficaciously give effect to obligations cast on the Democratic Socialist Republic of Sri Lanka by international Conventions and other legally binding international legal instruments relating to the prevention and suppression of terrorism to which Sri Lanka is a Party to, including in particular the United Nations Security Council Resolution No. 1373 (2001) adopted on September 28, 2001 under Chapter VII of the United Nations Charter it became obligatory for the government to take meaningful measures to prevent and suppress terrorism.

6. No person or groups of persons either incorporated or unincorporated including an organization, shall either individually or as a group or groups or through other persons engage in :-

- (a) terrorism, or
- (b) any specified terrorist activity, or
- (c) any other activity in furtherance of any act of terrorism or specified terrorist activity committed by any person, group or groups of persons.

7. No person shall :-

- (a) wear, display, hoist or possess the uniform, dress, symbol, emblem, or flag of ;
- (b) summon, convene, conduct or take part in a meeting of ;
- (c) obtain membership or join ;
- (d) harbour, conceal, assist a member, cadre or any other associate of ;
- (e) promote, encourage, support, advice, assist, act on behalf of ; or
- (f) organize or take part in any activity or event of,

any person, group, groups of persons or an organization which acts in contravention of regulation 6 of these regulations.

8. No person shall engage in any transaction in any manner whatsoever, including contributing, providing, donating, selling, buying, hiring, leasing, receiving, making available, funding, distributing or lending materially or otherwise, to any person, group or groups of persons either incorporated or unincorporated, or with a member, cadre or associate of such a person, group or groups of persons, which acts in contravention of regulations 6 and 7 of these regulations ;

Provided however, for the purposes of facilitating the development of a peaceful political solution, termination of terrorism or specified terrorist activity, maintenance of supplies and services essential to the life of the community, conducting developmental activities, or for any other lawful purpose, it shall be lawful for any person including a national or international governmental or non-governmental organization, to in good faith and with the written approval of the Competent Authority appointed in terms of these regulations, engage in any approved transaction, with a person or group or groups of persons who are acting in contravention of regulations 6 or 7 hereof ;

Provided further, it shall not be necessary to obtain such approval of the Competent Authority in order to provide emergency medical treatment or medical assistance to any person who may be acting in contravention of regulations 6 and 7 hereof.

9. No person shall provide any information which is detrimental or prejudicial to national security to any person, group, groups of persons or an organization which acts in contravention of regulation 6 of these regulations.

10. Any person who acts in contravention of regulation 6 of these regulations shall be guilty of an offence, and shall on conviction by a High Court be sentenced to a term of imprisonment of not less than ten years and not exceeding twenty years.

11. Any person who acts in contravention of regulations 7 and 9 of these regulations shall be guilty of an offence, and shall on conviction by a High Court be sentenced to a term of imprisonment of not less than five years and not exceeding ten years.

12. Any person who acts in contravention of regulation 8 of these regulations shall be guilty of an offence, and shall on conviction by a High Court be sentenced to a term of imprisonment which may extend to ten years.

13. Any person who conspires to commit, attempt, abet, engage in any conduct in preparation to commit an offence under these regulations, shall thereby be guilty of an offence, and shall upon conviction in the High Court be sentenced to a term of imprisonment which may extend to seven years.

14. Where an offence under these regulations is committed by a body of persons, then in addition to the person directly responsible for the committing of the offence, -

- (a) if that person is a body corporate, every director and the principal executive officer of such body corporate ;
- (b) if that body of persons is a partnership, every partner and the principal executive officer of such partnership ; and
- (c) if that body of persons is a body unincorporated other than a firm, the leader of such body of persons, group or organization, and every officer of that body responsible for its' management or control,

shall, in addition to such body of persons, be deemed to be guilty of such offence :

Provided however, no such person or body of persons shall be deemed to be guilty of such an offence, if he proves that such offence was committed without his knowledge or that he exercised in good faith all due diligence to prevent the commission of such offence.

15. There shall be appointed by the President, by name or by office, a person to be the Competent Authority for the purposes of these regulations.

16. The Competent Authority appointed in terms of regulation 15 of these regulations, shall with a view to facilitating a peaceful political solution, termination of terrorism or specified terrorist activities, the maintenance of supplies and services essential to the life of the community, provision of humanitarian assistance, conduct of developmental activities, or for any other lawful purpose, grant approval either unconditionally or subject to stipulated conditions, to any person, group or groups of persons, to engage in any stipulated lawful transaction with any other person, group or groups of persons who may be acting in contravention of regulations 6 or 7 of these regulations.

17. Any person aggrieved by a decision taken by the Competent Authority acting in terms of regulation 15 of these regulations, shall be entitled to within thirty days of such decision, appeal against such decision to the Appeals Tribunal established in terms of these regulations.

18. The Appeals Tribunal referred to in regulation 17, shall comprise of the Secretaries to the Ministries of Defence, Finance, Nation Building, Plan Implementation and Justice. It shall be lawful for the Appeals Tribunal to affirm, vary or rescind conditionally or unconditionally the decisions made in terms of regulation 14 of these regulations by the Competent Authority.

19. No action or suit shall lie against any Public Servant or any other person specifically authorized by the Government of Sri Lanka to take action in terms of these Regulations, provided that such person has acted in good faith and in the discharge of his official duties.

20. For the purposes of these regulations,—

“terrorism” means any unlawful conduct which —

- (a) involves the use of violence, force, coercion, intimidation, threats, duress, or
- (b) threatens or endangers national security, or
- (c) intimidates a civilian population or a group thereof, or
- (d) disrupts or threatens public order, the maintenance of supplies and services essential to the life of the community, or
- (e) causing destruction or damage to property, or
- (f) endangering a person’s life, other than that of the person committing the act, or
- (g) creating a serious risk to the health or safety of the public or a section of the public, or
- (h) is designed to interfere with or disrupt an electronic system,

and which unlawful conduct is aimed at or is committed with the object of threatening or endangering the sovereignty or territorial integrity of the Democratic Socialist Republic of Sri Lanka or that of any other recognized sovereign State, or any other political or governmental change, or compelling the government of the Democratic Socialist Republic of Sri Lanka to do or abstain from doing any act, and includes any other unlawful activity which advocates or propagates such unlawful conduct.

“specified terrorist activity” means an offence specified in the Prevention of Terrorism Act, No. 48 of 1979, an offence under the Public Security Ordinance (Chapter 40), an offence under section 3 of the Prevention of Money Laundering Act, No. 5 of 2006, an offence under section 3 of the Convention on the Suppression of Terrorist Financing Act, No. 25 of 2005, and any offence committed under sections 114, 115, 116, 117, 121, 122, 128, 129 of the Penal Code (Chapter 19).