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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1583/12 - 2009 ජනවාරි 07 වැනි බදාදා - 2009.01.07
No. 1583/12-WEDNESDAY, JANUARY 07, 2009

(Published by Authority)

PART I : SECTION (I) — GENERAL

Proclamations &c., by the President

A PROCLAMATION BY HIS EXCELLENCY THE PRESIDENT

Seal

MAHINDA RAJAPAKSA,

WHEREAS, an organization known as the Liberation Tigers of Tamil Eelam has been continuously engaged in acts of terrorism and others acts of violence with the primary objective of unlawfully establishing a separate sovereign State in the Northern and Eastern Provinces of Sri Lanka ;

And Whereas, such acts of terrorism have included engaging in an illegal internal armed conflict with members of the armed forces and the police force of the Democratic Socialist Republic of Sri Lanka ;

And Whereas, acts of terrorism and other acts of violence perpetrated by the aforementioned organization known as the Liberation Tigers of Tamil Eelam have been involved in the assassination and attempted assassination of persons holding high political office members of the security forces and the police force, public servants and civilians and of causing damage to property belonging to the State and to private property ;

And Whereas the territorial integrity and sovereignty of the Democratic Socialist Republic of Sri Lanka has been threatened by these continuous acts of terrorism and other acts of violence perpetrated by the said organization known as the Liberation Tigers of Tamil Eelam, and such acts have endangered the interests of public security, the preservation of public order, and the maintenance of supplies and services essential to the life of the community ;

And Whereas notwithstanding the promulgation of the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations, No. 7 of 2006 the organization known as the Liberation Tigers of Tamil Eelam has continued to engage in terrorism and other acts of violence ;

And Whereas, repeated requests made to the aforesaid organization known as the Liberation Tigers of Tamil Eelam to eschew terrorism and other acts of violence and to lay down arms, surrender and participate in the democratic process for the purpose of resolving disputes and developing and adopting lawful and democratic processes and solutions for the resolution of the problems faced by the citizens of the Sri Lanka have been disregarded ;

And Whereas, repeated requests made by the Government of Sri Lanka and by segments of the international community to the said organization known as the Liberation Tigers of Tamil Eelam to refrain from holding, keeping or confining civilians living within the Northern and Eastern Provinces of Sri Lanka by force or other means or thereafter to use such civilians as human shields and consequently place the life and liberty of such civilians in danger and also to prevent or obstruct the supply of emergency treatment and assistance and humanitarian relief to such civilians ;

And Whereas, repeated requests made by the Government of Sri Lanka to the organization known as the Liberation Tigers of Tamil Eelam to permit civilians trapped or confined in areas unlawfully controlled by the said Liberation Tigers of Tamil Eelam to leave such areas and move into areas under the control of the security forces, have been disregarded ;

And Whereas, the said organization known as the Liberation Tigers of Tamil Eelam continues, to unlawfully conscript civilians, including women and children, as fighting cadres of the said organization and thereby endangers the life and liberty of such civilians ; :

And Whereas, acts of terrorism and other acts of violence perpetrated by the organization known as the Liberation Tigers of Tamil Eelam and its conduct orchestrated for the purpose of collecting funds to perpetrate acts of terrorism and its activities relating to the procurement and smuggling of arms ammunition and explosives, has the potential of adversely affecting international and regional peace and security and the security and law and order of other sovereign nations ;

And Whereas, in order to eliminate the scourge of terrorism from the world it is necessary for all sovereign States to criminalize terrorism and proscribe without exception organizations engaged in the perpetration of terrorism ;

Now therefore it has become necessary to proscribe the said organization known as the Liberation Tigers of Tamil Eelam and to provide for the proscribing of other organizations that are connected with or which are representing or acting on behalf of the organization known as the Liberation Tigers of Tamil Eelam and which have therefore become prejudicial to the interests of public security the preservation of public order and the maintenance of supplies and services essential to the life of the community. His Excellency the President intends promulgating regulations in terms of the Public Security Ordinance (Chapter 40).

Given at Colombo on this 7th day of January Two Thousand and Nine.

By His Excellency's Command,

LALITH WEERATUNGA,
Secretary to the President.

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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,
07th January, 2009.

Regulations

1. These Regulations may be cited as the Emergency (Proscription of the Liberation Tigers of Tamil Eelam) Regulations No. 1 of 2009.

2. The organization named and styled as the “Liberation Tigers of Tamil Eelam” is hereby proscribed.

3. No person shall within or outside Sri Lanka—

- (i) be a member or cadre of ;
- (ii) provide leadership to ;
- (iii) wear, display, hoist or possess the uniform, dress, symbol, emblem, or flag of ;
- (iv) summon, convene, conduct or take part in a meeting of ;
- (v) obtain membership or join ;
- (vi) harbour, conceal, assist a member, cadre or any other associate of ;
- (vii) promote, encourage, support, advice, assist, act on behalf of ;
- (viii) organize or take part in any activity or event of ;
- (ix) donate or contribute money or material ;
- (x) procure, store, transport, possess or distribute material for or of ;
- (xi) espouse the cause of or represent ;
- (xii) engage in any transaction with ; or
- (xiii) cause the dissemination of information on behalf of

the Liberation Tigers of Tamil Eelam or any other organization representing or acting on behalf of the said organization.

4. Any person who acts in contravention of regulation 3 of these regulations, shall be guilty of an offence, and shall on conviction by the High Court of the Western Province holden in Colombo, be sentenced to a term of imprisonment not exceeding twenty years.

5. Any person who conspires to commit, attempt, abet, engage in any conduct in preparation to commit an offence in contravention of regulation 3 of these regulations, shall be guilty of an offence, and shall upon conviction by the High Court of the Western Province holden in Colombo, be sentenced to a term of imprisonment not exceeding ten years.

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

- (i) if that person is a body corporate, every director and the principal executive officer of such body corporate ;
- (ii) if that body of persons is a partnership, every partner and the principal executive officer of such partnership ;
and
- (iii) 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 the management and control of such body

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

7. (1) Where the Minister is satisfied, after such inquiry as it thinks fit, that any persons has custody of any moneys, securities or credits which are being used or are intended to be used, for the purposes of the proscribed organization, the Minister may, by order in writing declare that such moneys, securities and credits as are in the custody of such person, or any moneys, securities and credits which may come into his custody after the making of such order and any other movable or immovable property belonging to such organization, shall be forfeited to the State.

(2) The decision of the Minister under Sub Section (1) shall be final and conclusive and shall not be called in question in any court by way of write or otherwise.

8. For the avoidance of doubts it is declared that the provisions of these regulations will not in any way —

- (a) affect the right of any international organization which is specified from time to time, by the Secretary to the Ministry in charge of the subject of Defence and which has entered into an agreement with the Government of Sri Lanka, to engage in any activity connected with the rendering of emergency medical treatment or facilities or the rendering of humanitarian assistance, including the maintenance of essential services ; or
- (b) affect the right of any person or body of persons, authorized by the President in that behalf, to embark on, or engage in, any discussion or process undertaken with a view to promoting or facilitating a settlement of the problems posed to the Government of Sri Lanka by the acts of terrorism being perpetrated within the country.

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