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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

Ref. No. SP/6/N/234/2005.

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

Seal

CHANDRIKA BANDARANAIKE KUMARATUNGA.

To:- 1. Hon. Hector Seneviratne Yapa
2. Hon. Peduru Hewa Kankanange Kulatilaka

GREETINGS

WHEREAS, unprecedented Tsunami Tidal Waves of 26th December, 2004, caused widespread devastation to the coastal areas of the West, East, North and South of Sri Lanka resulting in the death of thousands of people and massive destruction of property and environment;

And whereas it appears to me to be necessary to establish a commission of Inquiry for the purpose of inquiring into the matters hereinafter mentioned, being matters in respect of which an inquiry will, in my opinion, be in the public interest;

Now therefore, I Chandrika Bandaranaike Kumaratunga, President, reposing great trust and confidence in your prudence, ability and fidelity, do, in pursuance of section 2 of the Commissions of Inquiry Act (Chapter 393), by these presents appoint you, the said

1. Hon. Hector Seneviratne Yapa
2. Hon. Peduru Hewa Kankanange Kulatilaka

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

- (a) Whether any advanced warning was received by any relevant State Institutions/Agencies in Sri Lanka (such as Meteorological Department, Geological Surveys and Mines Bureau) relating to the earthquake in the Indian Ocean near Sumatra on the 26th morning December 2004;

- (b) If so, by whom and to whom such warning was given; and what action was taken by the relevant Authority/ Authorities to alert the people of the impending disaster;
- (c) Consequent to the earthquake, was there any advance warning received by any State Institution/Agency regarding the possibility of threat of tidal wave to any part of Sri Lanka;
- (d) If so, the reasons for the failure to give advance warning to the people;
- (e) Whether any State Agency or public officer/s failed in their duty by not taking prompt action to issue a warning in advance of the impending disaster to members of public;
- (f) Assess the adequacy of systems now in the country to obtain timely information regarding incoming Tsunami and other natural disasters;
- (g) What measures should be taken to improve the early warning mechanism for natural disasters and thereby to prevent or mitigate the devastation;
- (h) Any other recommendations considered relevant by the commission on its findings in terms of this Warrant.

And I do hereby appoint you the said Hon. Hector Seneviratne Yapa Esqr., retired Judge of the Supreme Court, to be the Chairman of the said Commission.

And I do hereby authorize and empower you, the said Commissioners to hold such inquiries and make all other investigations into the aforesaid matters as may appear necessary, and require you to transmit to me within three months from the date hereof a report or interim reports thereon, under your hand, setting out the finding of your inquiries and your recommendations relating thereto:

And I do hereby direct that 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 for the purpose of your inquiry, 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 Commissions of Inquiry Act (Chapter 393), shall apply to the Commission;

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka, this Seventh day of February, Two Thousand and Five.

By Her Excellency's command,

W. J. S. KARUNARATNE
Secretary to the President.