

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය
අති විශේෂ
The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2106/11 - 2019 ජනවාරි මස 16 වැනි බදාදා - 2019.01.16
No. 2106/11 - WEDNESDAY JANUARY 16, 2019

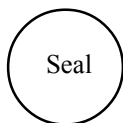
(Published by Authority)

PART I : SECTION (I) — GENERAL

Proclamations & C., by the President

P.S. No. : PS/CSA/00/1/14/6

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



MAITHRIPALA SIRISENA.

To :

1. Honourable Abeyratne Herath Mudiyanseelage Upaly Abeyrathne Esquire
Retired Judge of the Supreme Court
2. Honourable (Ms.) Sarojini Kusala Weerawardane
Retired Judge of the High Court
3. Pasdunkorale Arachchige Pemathilaka Esquire
Retired Auditor General
4. Lalith R. de Silva Esquire
Retired Secretary to a Ministry
5. M. K. D. Wijaya Amarasinghe Esquire
Retired Deputy Inspector - General

Greetings :

WHEREAS, a large number of serious complaints and allegations had been made against persons who had held or continue to hold political office and those who have been or continue to be public servants and officers of statutory bodies, regarding acts of corruption, fraud, criminal breach of trust, criminal misappropriation of property, cheating and abuse or misuse of power or authority, State resources and privileges, which offences and acts of wrongdoing had occurred during the period 10th January 2010 to 10th January, 2015, and resulted in serious loss or damage to State assets and revenue and



that a Commission of Inquiry was established by me by warrant dated 03rd March, 2015 in terms of provisions of Section 2 of the Presidential Commission of Inquiry Act (Chapter 393) to make investigations and inquiries into the aforesaid complaints, allegations and information with the view to ascertaining the veracity of such complaints, allegations and information.

AND WHEREAS, the final report of the said Commission was handed over to me on 02nd January, 2018.

AND WHEREAS, A large number of serious complaints and allegations had been made against persons who had held or continue to hold political office and those who have been or continue to be public servants and officers of statutory bodies regarding acts of corruption, fraud, criminal breach of trust, criminal misappropriation of property, cheating and abuse or misuse of power or authority, State resources and privileges during the period 15th January, 2015 to 31st December, 2018.

AND WHEREAS, I am of the opinion that it is in the interest of public security and welfare, to cause the conduct of investigations and inquiries into such complaints, allegations and information, in order to determine what measures should be taken to provide for and ensure that the law is appropriately enforced and wrongdoers dealt with in terms of the law, and that there will be no recurrence of such alleged acts 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 resposing great trust and confidence in your integrity, 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. Honourable Abeyratne Herath Mudiyanseelage Upaly Abeyrathne Esquire
Retired Judge of the Supreme Court
2. Honourable (Ms.) Sarojini Kusala Weerawardane
Retired Judge of the High Court
3. Pasdunkorale Arachchige Pemathilaka Esquire
Retired Auditor General
4. Lalith R. de Silva Esquire
Retired Secretary to a Ministry
5. M. K. D. Wijaya Amarasinghe Esquire
Retired Deputy Inspector - General

to be my Commissioners to investigate and inquire into, take necessary action and report on the following matters namely :

1. To call for and receive public complaints, information and other material relating to serious allegations against persons who have held or continue to hold political office, those who have been or continue to be public servants and officers of statutory bodies, regarding acts of corruption, fraud, criminal breach of trust, criminal misappropriation of property, cheating, and abuse or misuse of power, State resources and privileges allegedly occurred during the period of 15th January, 2015 to 31st December, 2018 and have resulted in serious loss or damages to State assets and State revenue ;
2. To conduct prompt, impartial, comprehensive investigations and inquiries into complaints, information and allegations referred to in paragraph 1 above ;
3. To Identify persons who have been or are responsible in terms of the law for committing such offences, acts of wrongdoing, and abuse or misuse of power or authority, State resources and privileges ;

4. To Identify and collect evidence available with regard to such offences and acts of wrongdoing as referred to in paragraph 1 above, and against persons responsible for having committed offences connected with such incidents and wrongdoing ;
5. To Identity which of the acts coming within the ambit of matters referred to in paragraph 1 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 the said offences ;
6. To transmit to the Attorney General investigational and inquiry material, enabling the Attorney General to consider the institution of criminal proceedings against persons alleged to have committed the said offences and prosecute the accused ;
7. 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 ;

And, I do hereby appoint you the said **Honourable Abeyratne Herath Mudiyanseelage Upaly Abeyratne Esquire, 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 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 a month, 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 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 shall apply to this Commission.

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka, on this 14th day of January, 2019.

By order of His Excellency,

UDAYA R. SENEVIRATNE,
Secretary to the President.