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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL
Proclamations & C., by the President

P.S. No : PS/CSA/00/1/14/9

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



GOTABAYA RAJAPAKSA

To :

1. Hon. Upaly Abeyrathne Esquire
Retired Judge of the Supreme Court
2. Hon. Daya Chandrasiri Jayathilaka Esquire
Retired Judge of the Court of Appeal
3. Chandra Fernando Esquire
Retired Inspector-General of Police

Greetings!

WHEREAS, it has been reported that public officers, employees of public corporations, and members of the armed forces and police service, who held such office prior to the Presidential Elections and/or General Elections held respectively in January and August 2015, being persons who had either resigned from or otherwise ceased to hold public



office with the change of the Government or continued to hold such office after such change, have made allegations that they have been subject to political victimization during the period commencing 08th January 2015 and ending 16th November 2019;

AND WHEREAS, it has also been reported that several persons including public officers who have held or continue to hold office in the institutions that are alleged to have been manipulated in furtherance of the alleged political victimization have publicly expressed that such process of political victimization was instigated through a special unit dealing with Anti Corruption, operating under the purview of the Prime Minister during the aforesaid period of alleged political victimization;

AND WHEREAS, it has been alleged that the said Anti-Corruption unit first decided on who should be investigated and thereafter referred complaints to the Commission to Investigate Allegations of Bribery or Corruption(CIABOC), Financial Investigations Divisions (FCID) of the Sri Lanka Police and/or the Police Special Investigations Unit (SIU) of the Sri Lanka Police, during the aforesaid period;

AND WHEREAS, it also been alleged that several complaints lodged by the public before the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), Financial Investigations Divisions (FCID) of the Sri Lanka Police and/or the Special Investigations Unit (SIU) of the Sri Lanka Police have gone unheeded;

AND WHEREAS, it has been brought to my notice that the alleged process of political victimization has created a substantial negative impact on the performance of public officers, employees of public corporations and members of the armed forces and police service, and, as a result, such officers, employees and members have shown and show reluctance to take decisions while discharging their duties and prefer to adopt a passive approach towards work, thereby causing a prejudicial impact on the functions of Government;

AND WHEREAS, it appears to me, therefore, to be necessary that an inquiry should be held and information obtained as to the matters hereinafter referred to in this warrant, being matters relating to the administration of public bodies, the administration or law and/or justice, the conduct of public officers, including the identification of any person, persons or entities, if any, who have been involved in or are responsible for the alleged political victimization, and/or matters in respect of which an inquiry would, in my opinion, be in the public interest;

AND WHEREAS, any findings, report and recommendations arising out of such an inquiry would be material to and facilitate the taking of preventive and remedial measures;

AND WHEREAS, noting that the scope of the inquiry into the said matter under this warrant would not in any way impose a fetter upon the relevant authorities exercising their statutory and legal responsibilities and also taking note that the relevant authorities are empowered in terms of the applicable written laws to consider and, where possible, pursue available action, in terms of the applicable written laws, notwithstanding the inquiry conducted in terms of this warrant;

AND WHEREAS, noting that the inquiry under this warrant is, therefore, in addition to and without prejudice to any measures that have been taken or which may be taken by relevant authorities including the Sri Lanka Police, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) and the Attorney General;

Now therefore, I Gotabaya 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) as amended, by these presents appoint you, the said;

1. Hon. Upaly Abeyrathne Esquire
Retired Judge of the Supreme Court
2. Hon. Daya Chandrasiri Jayathilaka Esquire
Retired Judge of the Court of Appeal
3. Chandra Fernando Esquire
Retired Inspector-General of Police

to be my Commissioners to inquire into and obtain information in respect of the alleged political victimization during the period commencing 8th January 2015 and ending 16th November 2019 and in particular, of the following, namely;

- a) Whether there has been any malpractice or irregularity, or non-compliance with or disregard of the proper prudence, norms, guidelines, procedures and best practices applicable in relation to the administration of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), Financial Investigations Divisions (FCID) of the Sri Lanka Police or the Special Investigations Unit (SIU) of the Sri Lanka Police;
- b) Whether any investigations by the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), Financial Investigations Divisions (FCID) of the Sri Lanka Police or the Special Investigations Unit (SIU) of the Sri Lanka Police had been influenced or obstructed or prevented in any manner, resulting in loss, damage, injury or detriment, either direct or imputed to any person or persons;
- c) Whether any officer entrusted with conduct of investigations by the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), Financial Investigations Divisions (FCID) of the Sri Lanka Police or the Special Investigations Unit (SIU) of the Sri Lanka Police have acted under undue influence by third parties, including by the said Anti-Corruption unit;
- d) Whether any person had committed any act of political victimization, misuse or abuse of power, corruption or any fraudulent act in relation to the functions of the said Anti Corruption unit, Commission to Investigate Allegations of Bribery or Corruption (CIABOC), Financial Crimes Investigations Division (FCID) of the Sri Lanka Police or the Special Investigations Unit (SIU) of the Sri Lanka Police, or in relation to the administration of any law or the administration of justice;

And to make recommendations with reference to any of the matters that have been inquired into under the terms of this warrant;

And, I do hereby appoint you the Hon. Upaly Abeyrathne Esquire to be the Chairman of the Commission;

And, I do hereby authorize and empower you, the said Commissioners, to hold such inquiries and make all such investigations into the aforesaid matters as may appear to you to be necessary, and require you to transmit to me **within six (06) months** from the date of this warrant reports or interim reports thereon under your hand, setting out the findings of your inquiries, and your recommendations;

And, I do hereby direct that such part of any inquiry relating to the foresaid matters, as you may in your discretion determine may 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 purposes of your inquiries and investigations to render all such assistance and furnish all such information as may be properly 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 09th day of January, Two Thousand and Twenty.

By order of His Excellency,

P.B. JAYASUNDERA
Secretary to the President