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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

P.S.No. CSA/7/8/15.

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



MAHINDA RAJAPAKSA.

To :

1. Maxwell Parakrama Paranagama Esquire
2. Madam Dimingu Badathuruge Priyanthi Suranjana Vidyaratne
3. Madam Mano Ramanathan

Greetings :

WHEREAS, the Report of the Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC) dated 15th November, 2011 in Chapter 9 entitled Principal Observations and Recommendations contains several recommendations of the Commission framed within its mandate ;

WHEREAS, I have already set in motion a number of initiatives to address the several concerns arising from the internal armed conflict, such as, the Parliamentary Select Committee ; The Commission on Lessons Learnt and Reconciliation; The programme for Rehabilitation of non-state actors to the conflict ; The National Plan of Action for the Implementation of the Recommendations of the LLRC ; The National Action Plan for the Promotion and Protection of Human Rights ; The Courts of Inquiry and the Board of Inquiry established under the provisions of the Army Act ;

WHEREAS, following these initiatives, outstanding progress is being achieved by the institutional mechanisms set up under the above initiatives as well as by all Government Ministries and Departments, to give effect to the recommendations of the LLRC ;



WHEREAS, in a spirit of compassion and the larger interest of national reconciliation, peace and harmony among all the people of Sri Lanka, I have secured the rehabilitation and resettlement of thousands of former combatants of the LTTE and brought them into the mainstream of national life ; returned over 3500 child soldiers of the LTTE to their parents and provided them with opportunities to pursue their education and fulfill their potential as peaceful citizens of Sri Lanka ; and encouraged several leaders of the LTTE to publicly denounce and abandon violence and persuaded them to join the mainstream of political life in the country to work together within a democratic framework, to develop the country and collectively find peaceful solutions to the country's political, social and economic challenges ;

WHEREAS, I am of the opinion that it is in the interest of public welfare to make further inquiries into several other matters specifically and generally referred to in the Report of the LLRC which require further inquiry,

NOW THEREFORE I, Mahinda Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka, do in pursuance of the provisions of Section 2 of the Commissions of Inquiry Act (Chapter 393), by these presents extend the scope of the mandate of the Commission of Inquiry appointed vide Gazette Notification 1823/42 dated 15th August 2013, to inquire and report on the following matters that have been referred to in the Report of the LLRC, namely :

- A. The matters referred in paragraph 4.359 of the Report of the LLRC. In this connection, the Commission is hereby required to investigate and report on the following specific issues :
 - i. The principal facts and circumstances that led to the loss of civilian life during the internal armed conflict that ended on the 19th May 2009, and whether any person, group or institution directly or indirectly bears responsibility in this regard by reason of a violation or violations of international humanitarian law or international human rights law.
 - ii. Whether such loss of civilian life is capable of constituting collateral damage of a kind that occurs in the prosecution of proportionate attacks against targeted military objectives in armed conflicts and is expressly recognized under the laws of armed conflict and international humanitarian law, and whether such civilian casualties were either the deliberate or unintended consequence of the rules of engagement during the said armed conflict in Sri Lanka.
 - iii. The adherence to or neglect of the principles of distinction, military necessity and proportionality under the laws of armed conflict and international humanitarian law, by the Sri Lankan armed forces.
 - iv. Whether the LTTE as a non-state actor was subject to international humanitarian law in the conduct of its military operations.
 - v. The use by the LTTE of civilians as human shields and the extent to which such action constitutes a violation of international humanitarian law or international human rights law, and did or may have significantly contributed to the loss of civilian life.
- B. The recruitment of child soldiers by the LTTE or illegal armed groups-affiliated with the LTTE or any political party in violation of international humanitarian law or international human rights law.
- C. International criminal activities of the LTTE and the application of financial and other resources obtained through such illegal activities in the prosecution of the conventional and guerilla war in Sri Lanka by the LTTE.
- D. The suicide attacks by LTTE using child soldiers and other combatants under the direct orders of the leader of the LTTE, Velupillai Prabhakaran or any persons acting on his behalf, and the culpability for such actions under international humanitarian law or international human rights law.

AND WHEREAS, I am of the opinion that it is expedient that the said Commission of Inquiry should have the benefit of the advice of distinguished international experts, whose internationally recognized expertise and experience encompasses legal and other relevant dimensions of the matters set out above. I hereby appoint the following to serve on an Advisory Council to the Commission of Inquiry to which I may appoint other experts as may be required from time to time, to advise the Chairman and Members of the Commission of Inquiry, at their request, on matters pertaining to the work of the Commission :

1. The Right Honourable Sir Desmond de Silva, QC (Chairman)
2. Sir Geoffrey Nice, QC
3. Prof. David Crane

Given at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka on this 14th day of July, Two Thousand and Fourteen.

By Order of His Excellency,

LALITH WEERATUNGA,
Secretary to the President.