

President Mahinda Rajapaksa has appointed the eight member 'Lessons Learnt and Reconciliation' Commission to report on the lessons to be learnt from the events in the period, Feb 2002 to May 2009, their attendant concerns and to recommend measures to ensure that there will be no recurrence of such a situation.

The Commission has been charged with reporting whether any person, group or institution directly or indirectly bears responsibility in this regard.

It is also charged with reporting on measures to be taken to prevent the recurrence of such concerns in the future and promote further national unity and reconciliation among all communities.

The appointment of this Commission follows cabinet approval to a memorandum by President Mahinda Rajapaksa. It states that it has been apparent for quite some time to the Government, that the conflict situation due to the very brutality and long duration of the violence perpetrated against Sri Lanka, would have caused great hurt and anguish in the minds of the people, that requires endeavours for rehabilitation and the restoration of democratic governance complimented by measures for reconciliation.

The cabinet noted that the President had sanctioned Sri Lanka's Permanent Representative in the UN to mention in his remarks at the UN Security Council Interactive Briefing on 5th June 2009 that the Government was in the process of initiating a domestic mechanism for fact finding and reconciliation. This statement stemmed from the Government's commitment to the promotion and protection of human rights, as consistently articulated and affirmed by Sri Lanka at Sessions of the Human Rights Council. The President informed the cabinet that in order to accomplish this task it has become necessary to set in motion a mechanism which will provide a historic bridge between the past of a society characterized by inflicted strife and a future society founded on the continued recognition of democracy and peaceful co-existence and the affording of equal opportunities for all Sri Lankans as guaranteed by the Constitution.

The President informed the cabinet that the Commission on Lessons Learnt and Reconciliation has been influenced in part by the South African experience and the Iraq Inquiry of the UK.

The Commissioners appointed under provisions of Section 2 of the Commissions of Inquiry Act (Chapter 393) are,

Chitta Ranjan de Silva Esquire, PC - Chairman

Dr. Amrith Rohan Perera Esquire, PC

Prof. Mohamed Thahir Mohamed Jiffry Esquire

Prof. Karunaratna Hangawatta Esquire Chandirapal Chanmugam Esquire Hewa Mathara

Gamage Siripala Palihakkara Esquire

Mrs. Manohari Ramanathan

Maxwell Parakrama Paranagama Esquire

They have been asked to report back to the President within six months from the date of appointment – 15th May, 2010.

***Following is the text of the Warrant issued by President Mahinda Rajapaksa:***

WHEREAS I am of the opinion that an opportune moment has arrived to reflect on the conflict phase and the sufferings the country has gone through as a whole and having regard to the common aspirations of all we have collectively resolved that our people are assured an era of peace, harmony and prosperity;

WHEREAS It has become necessary that while we as an independent and proud nation of multi-ethnic polity undertake a journey of common goals in a spirit of co-operation, partnership and friendship we also learn from this recent history lessons that would ensure that there will be no recurrence of any internecine conflict in the future;

WHEREAS I am of the opinion that it is in the interest of public welfare, to appoint a Commission of Inquiry for the purposes hereinafter mentioned;

NOW THEREFORE I, Mahinda Rajapaksa, President, reposing great trust and confidence in your prudence, ability, independence and fidelity, do, in pursuance of the provisions of Section 2 of the Commission of Inquiry Act (Chapter 393), by these presents, appoint you, the said;

1. Chitta Ranjan de Silva Esquire, PC
2. Dr. Amrith Rohan Perera Esquire, PC
3. Prof. Mohamed Thahir Mohamed Jiffry Esquire
4. Prof. Karunaratna Hangawatta Eq
5. Chandirapal Chanmugam Esq
6. Hewa Mathara Gamage Siripala Palihakkara Esq
7. Mrs. Manohari Ramanathan
8. Maxwell Parakrama Paranagama Esq

To be my Commissioners, to inquire and report on the following matters that may have taken place during the period between 21st February 2002 and 19th May 2009, namely;

i. the facts and circumstances which led to the failure of the ceasefire agreement operationalized on 21st February 2002 and the sequence of events that followed thereafter up to the 19th of May 2009;

ii. whether any person, group, or institution directly or indirectly bear responsibility in this regard;

iii. the lessons we would learn from those events and their attendant concerns, in order to ensure that there will be no recurrence;

iv. the methodology whereby restitution to any person affected by those events or their dependents or to heirs, can be effected;

v. the institutional administrative and legislative measures which need to be taken in order to prevent any recurrence of such concerns in the future, and to promote further national unity and reconciliation among all communities, and to make any such other 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 said Chittaranjan de Silva Esq, President's Counsel and retired Attorney General to be the Chairman of the said Commission;

AND I do hereby authorize and empower you the said Commissioners, to hold all such inquiries and to 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 months of the date hereof, a report thereon under your hand, setting of the finding of requires 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 such assistance or information for the purpose of your inquiries or investigations, 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 Inquiry Act (Chapter 393) shall apply to the Commission;

GIVEN at Colombo, under the seal of the Democratic Socialist Republic of Sri Lanka, this 15th day of May two thousand and ten

***Following is a brief background of the Commissioners:***

**Mr. C. R. de Silva PC, Chairman**, is a former Attorney General and Solicitor General of Sri Lanka. He was a Member of the Council of Legal Education, and of the Law Commission of Sri Lanka. He was called to the Bar in 1974, worked in the chambers of several prominent lawyers of the private Bar before joining the Attorney General's Department in 1975. He took "silk" as a President's Counsel in 1997.

He has been a member of the Sri Lanka delegation to many international bodies including the Afro-Asian Legal Consultative Committee, UN Human Rights Council, UN Human Rights Committee, UN Convention against Torture Committee and the UN Committee for the Convention on the Elimination of Racial Discrimination.

**Dr. Rohan Perera PC**, was Legal Advisor of the Ministry of Foreign Affairs and was elected as the Sri Lanka candidate to the International Law Commission, by the UN General Assembly in New York securing one of the seven seats allocated to the Asian region.

The International Law Commission was established in 1949 by the General Assembly and entrusted with codification and progressive development of international law.

Dr. Perera has served for over thirty years in the Ministry of Foreign Affairs, initially as assistant Legal Advisor and thereafter, as a legal advisor and is also was chairman of the UN ad-hoc Committee on Measures to Eliminate International Terrorism which concluded the International Convention on the Suppression of Acts of Nuclear Terrorism. This Committee has been negotiating a comprehensive Convention on Terrorism.

He also served as a member of the group of legal advisors and constitutional experts appointed by the President to advice the All Party Representatives Committee on a constitutional reform to resolve the issues relating to ensuring ethnic unity in Sri Lanka.

Prof. Karunaratne Hangawatte, currently professor of criminal justice in the State of Nevada's premier university in Las Vegas, has undertaken extensive research on global terrorism that has qualified him to teach a course on terrorism in the criminal justice department.

Dr. Karu Hangawatte received his LL.B. from the University of Ceylon, Colombo, in 1970 and his Ph.D. (with distinction) in criminal justice in 1984 from the State University of New York at Albany. He is an attorney-at-law of the Supreme Court of Sri Lanka. His areas of interest include law and society, criminal law and procedure, constitutional law, legal method and process, terrorism and political violence, and the administration of criminal justice. He has been an assistant secretary of justice in Sri Lanka.

He was one of the experts who worked on the United Nations declaration on the victims of crime and abuse of power and violation of human rights, which covered the cold war era. The UN adopted this declaration in 1985. During the time he was in Sri Lanka Hangawatte occupied a position in the legal research section in the Ministry of Justice and later as assistant secretary of the same ministry. He has also received several teaching awards at UNLV.

**Mr. HMGS Palihakkara**, was former Permanent Representative of Sri Lanka to the United Nations. He has served on the Secretary-General's Advisory Board on Disarmament Matters. He retired as the Foreign Secretary of Sri Lanka in December 2006 after 38 years of civil and diplomatic service.

Since the 1990s, he has served on a number of assignments to the United Nations in Geneva and New York, covering work related to the General Assembly's First Committee (Disarmament and International Security), and later the Conference on Disarmament, as well as on human rights, humanitarian and economic and social affairs. He either led or participated as a member of Sri Lanka's delegation in several peace and security/disarmament-related conferences and meetings, including the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

He served as Sri Lanka's Permanent Representative to the United Nations and head of delegation to the Conference on Disarmament from 1997 to 2000. After his work in Geneva, he was appointed Ambassador to Thailand, Cambodia, Lao Peoples Democratic Republic and Viet Nam, and from 2000 to 2004 served as his country's Permanent Representative to the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP).

Mr. Palihakkara served as Acting Director-General and Deputy Director-General of Sri Lanka's Peace Secretariat (SCOPP), which serviced the Norwegian-facilitated peace talks (2002) and subsequent ceasefire (2003). Among other positions, during the mid-1990s, he was Director-General of Multilateral Affairs at Sri Lanka's Foreign Ministry, covering work related to preventive diplomacy, peace-building, arms control and non-proliferation.

Holding a Bachelor of Education degree from the University of Ceylon, Peradeniya, Sri Lanka, Mr. Palihakkara entered his country's foreign service in 1979. His foreign affairs training took place in Australia in 1980, and he followed up his studies in international human rights and humanitarian law at the Raul Wallenberg Institute, University of Lund, Sweden.

**Professor M T M Jiffry**, is Vice Chairman of the University Grants Commission, Senior Professor of Physiology -University of Sri Jayewardenepura, an Examiner of the Post Graduate Institute of Medicine, and former President, Health Informatics Society of Sri Lanka. He has been active in the building of inter-ethnic understanding and has been engaged in the advance of education in Sri Lanka to serve the needs of all communities.

**Mr. C. Chanmugam** is former Secretary to the Treasury and former member of the Monetary Board of Sri Lanka. He was also Chairman of the Board of Directors of Fitch Ratings Sri Lanka. An Associate of the Royal Institute of Chemistry, Mr. Chanmugam has held many positions of distinction in Sri Lanka and abroad.

He was the Executive Director of the Institute of Policy Studies, Sri Lanka. A former Advisor to the Ministry of Finance and Planning, was also e Secretary to the Ministry of Finance and Planning; the Alternate Governor to the Asian Development Bank and the World Bank (1987-88). In Sri Lanka, he was also Chairman, Foreign Investment and Advisory Committee and the Controller of Tea, Rubber and Coconut industries.

**Mrs. Mano Ramanathan**, had a long and distinguished career in the legal profession where she rose to be the Deputy Legal Draughtsman. She has been active in the reform of law to strengthen the rights of women and children, as has been associated with work involving women's empowerment. She is the wife of the late Justice P. Ramanathan.

**Mr. Maxwell Paranagama**, a former High Court Judge had a distinguished career in the legal profession before elevation to the bench of the High Court.

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