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The Gazette of the Democratic Socialist Republic of Sri Lanka  
EXTRAORDINARY

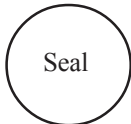
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**PART I : SECTION (I) — GENERAL**  
**Proclamations & C., by the President**

My No. PS/CSA/00/1/14

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



MAITHRIPALA SIRISENA

To:

1. Hon. Anil Gooneratne, Retired Judge of the Supreme Court
2. Mr. Ethauda Arachchige Gamini Rohan Amarasekara, Judge of the Court of Appeal
3. Mr. Piyasena Ranasinghe, Retired Judge of the High Court
4. Mr. Mallawaarachchige Don Anthony Harold, Retired Deputy Auditor General
5. Ms. Wasantha Jayaseeli Kapugama Geeganage, Director General, Sri Lanka Accounting and Auditing Standards Monitoring Board

Greetings!

Whereas, alleged irregularities committed in respect of the matter referred to in the schedule hereto have been brought to my notice;

And whereas, noting that the scope of the investigation and 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 and investigation conducted in terms of this warrant;



And whereas, noting that this investigation and inquiry under this warrant is in addition to and without prejudice to any measures that have been taken or which may be taken by relevant authorities including the Police, the Commission to Investigate Allegations of Bribery or Corruption and the Attorney General;

And whereas, it has become necessary to inquire and investigate into such matter referred to in the schedule hereto and to identify the persons, if any, who have been so involved in such irregularities committed in respect of the matter referred to in the said schedule hereto;

And whereas, it has become necessary to identify the person, persons or entities, if any, responsible for such irregularities committed in respect of the said matter referred to in the said schedule hereto;

And whereas, I am of the opinion that it is in the national interest to cause the conduct of investigation and inquiry into such matter set out in the schedule to this warrant in order to determine what measures should be taken to ensure that there will be no recurrence of such acts in the future;

And whereas, I am of the opinion that it is necessary that a Commission of Inquiry be appointed to investigate, inquire into and report on the said matter referred to in the said schedule hereto;

Now therefore, I Maithripala Sirisena, President of the Democratic Socialist Republic of Sri Lanka reposing great trust and confidence in your prudence, ability and fidelity, do in pursuance of provisions of Section 2 of the Commissions of Inquiry Act (Chapter 393) as amended, by these presents appoint, the said;

1. Hon. Anil Gooneratne, Retired Judge of the Supreme Court
2. Mr. Ethauda Arachchige Gamini Rohan Amarasekara, Judge of the Court of Appeal
3. Mr. Piyasena Ranasinghe, Retired Judge of the High Court
4. Mr. Mallawaarachchige Don Anthony Harold, Retired Deputy Auditor General
5. Ms. Wasantha Jayaseeli Kapugama Geeganage, Director General, Sri Lanka Accounting and Auditing Standards Monitoring Board

to be my Commissioners to investigate, inquire into and report on the following, namely:

- a. the management, administration and conduct of affairs of Sri Lankan Airlines Limited (hereinafter Sri Lankan Airlines), Sri Lankan Catering Limited (hereinafter Sri Lankan Catering), and Mihin Lanka (Private) Limited (hereinafter Mihin Lanka) in respect of the matter referred to in the said schedule hereto;
- b. whether there has been any malpractice, irregularity or non-compliance with or disregard of the proper economic and financial prudence, norms, guidelines, procedures and best practices applicable in relation to such management, administration and conduct of affairs in relation to the said matter referred to in the said schedule hereto resulting in loss, damage or detriment, either direct or imputed, to the Government, any statutory body or any other entity including Sri Lankan Airlines, Sri Lankan Catering, Mihin Lanka and the nature and magnitude of such losses;
- c. whether any contractual obligations related to Sri Lankan Airlines, Sri Lankan Catering, and Mihin Lanka relating to the said matter referred to in the said schedule hereto have been entered into or carried out, fraudulently, recklessly, negligently, imprudently or irresponsibly, without due professional care or due diligence, considering accepted norms, guidelines and best practices resulting in loss, damage or detriment, either direct or imputed, to the Government, any statutory body or any other entity including Sri Lankan Airlines, Sri Lankan Catering, Mihin Lanka and the nature and magnitude of such losses;
- d. whether proper economic and financial prudence, norms, guidelines, procedures, best practices and adequate safeguards have been adopted to ensure that the matter referred to in the said schedule hereto resulted in obtaining optimum benefit, to the Government, any statutory body or any other entity including Sri Lankan Airlines, Sri Lankan Catering, Mihin Lanka;

- e. the person or persons responsible for the act, omission or conduct, which has resulted in such loss, damage or detriment, either direct or imputed, to the Government, any statutory body or any other entity including Sri Lankan Airlines, Sri Lankan Catering, Mihin Lanka in respect of the said matter referred to in the said schedule hereto;
- f. whether any inquiry or probe into the aforesaid matter referred to in the said schedule hereto had been obstructed or prevented in any manner, resulting in loss, damage or detriment, either direct or imputed, to the Government, any statutory body or any other entity including Sri Lankan Airlines, Sri Lankan Catering, Mihin Lanka, and, if so, the person or persons responsible for such obstruction;
- g. the procedures and guidelines which should be adopted in the future to ensure that such matter referred to in the said schedule hereto are carried out with transparency and with proper professional care and accountability with a view to secure optimum benefit to the Government, any statutory body or any other entity including Sri Lankan Airlines, Sri Lankan Catering, Mihin Lanka;
- h. whether there has been misuse or abuse of power, influence, interference, fraud, corruption and nepotism or any other action or omission in relation to the said matter referred to in the said schedule hereto;
- i. make recommendations with reference to the said matter referred to in the said schedule hereto that have been inquired or investigated into under the terms of this warrant.

And I do hereby appoint you, the said Hon. Anil Gooneratne Esquire to be the Chairman of the said Commission.

And I do hereby authorize and empower the said Commissioners to hold all such inquiries and make all other investigations into the aforesaid matter referred to in the said schedule hereto as may appear necessary, and require you to transmit to me within six (6) months from the date of this warrant a report/s thereon under your hand, setting out the findings of your inquiries and investigations and your recommendations relating thereto.

And I do hereby direct such part of any investigation or inquiry relating to the aforesaid matter referred to in the said schedule hereto, 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 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 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 31<sup>st</sup> day of January, Two Thousand and Eighteen.

By order of His Excellency,

AUSTIN FERNANDO,  
Secretary to the President.

### **Schedule**

Alleged irregularities in connection with Sri Lankan Airlines Limited (hereinafter Sri Lankan Airlines), Sri Lankan Catering Limited (hereinafter Sri Lankan Catering), and Mihin Lanka (Private) Limited (hereinafter Mihin Lanka) during the period from 01<sup>st</sup> January, 2006 to 31<sup>st</sup> January, 2018 pertaining to;

- (a) Infusion of funds through share capital and borrowings including funding by the General Treasury, Bank of Ceylon, People's Bank and any other financial institution or entity, and investment of such funds.
- (b) Establishment, operations, and winding up of Mihin Lanka.
- (c) Termination of agreements between Sri Lankan Airlines and Emirates, The International Airline of the United Arab Emirates, including reasons and ramifications thereof.
- (d) Entering into, extension, and cancellation of agreements pertaining to the purchase, sale, lease, sale and leaseback, transfer, exchange, release, and disposal of aircrafts and any other assets.
- (e) Procurement of goods and services and re-fleeting of aircrafts including purchase, sale, lease, sale and leaseback, transfer, exchange, release, and disposal of aircrafts and any other assets, value of which exceeds Rs. 50 million.
- (f) Hiring and appointment of agents, brokers, consultants, firms and any other individual or entity for the provision of goods, services or any other task.
- (g) Opening, maintenance and discontinuation of route network and offices in other countries.
- (h) Transactions between Sri Lankan Airlines, Sri Lankan Catering and Mihin Lanka.
- (i) Human resource management including recruitment, appointment, remuneration, promotion, transfer, retrenchment, and retirement of personnel, appointment of Boards of Directors, Chief Executive Officers, Chairmen, and other senior management.
- (j) Financial reporting, compliance with applicable accounting and auditing standards, and financial and operational performance and condition.