



CENTRE FOR POLICY ALTERNATIVES
பிஹீல ப்ரவீலன்வீ வெ'னீடீய
மார்த்துக் கொ'ள்கைகளுக்கான நிலையம்

CPA Policy Brief No. 2, 2007

Commission of Inquiry and the International
Independent Group of Eminent Persons:
Commentary on Developments

January - April 2007



CENTRE FOR POLICY ALTERNATIVES
විකල්ප ප්‍රතිපත්ති කේන්ද්‍රය
மாற்றுக் கொள்கைகளுக்கான நிலையம்

The Centre for Policy Alternatives (CPA) is an independent, non-partisan organization that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

Address: 24/2 28th Lane, off Flower Road
Colombo 7

Telephone: +94 (11) 2565304/5/6

Fax: +94 (11) 4714460

Web www.cpalanka.org

Executive Summary

CPA and other civil society actors have continuously called on the State and other actors to address the deteriorating human rights and humanitarian situation, the reconstitution of the Constitution Council and the appointment of the independent commissions including the Human Rights Commission (HRC) in accordance with the law and the Constitution. Civil society actors welcomed the announcement on September 4, 2006 by President Rajapaksa of an international independent commission to probe abductions, disappearances and extra-judicial killings in all areas of Sri Lanka. In January 2007, CPA raised issues related to the subsequent appointment of the Commission of Inquiry (CoI) and the International Independent Group of Eminent Persons (IIGEP). This document comments on the developments since their appointment and recommends the following to the Government and other actors.

- Ensure that all relevant information pertaining to the cases are provided to the CoI and the IIGEP, and facilitate any other assistance that is required by the CoI and the IIGEP.
- Prevent the unduly intrusive role of State actors in the investigations and inquiries, a process that should be both independent and impartial as well as seen to be so.
- Appoint an independent panel of counsel, reinforcing the notion of impartiality and neutrality that is required in investigations and inquiries.
- Ensure that the Investigating Unit adheres to international norms and standards, and is independent of the State in carrying out its duties.
- Ensure that the Investigating Unit comprises of staff members who are proficient in all three languages, enabling people to come forward with evidence and information in the language of their choice.
- Establish a comprehensive and effective victim and witness protection programme, a programme that would provide protection and security to victims, witnesses and affected persons.
- Undertake regular visits by the CoI and IIGEP to the sites of the violations under investigation and speak to as many people as possible connected to the cases. Further, there should be regular meetings by the CoI and the IIGEP, jointly and individually, with civil society and other relevant actors to obtain new information and to inform the relevant groups on the progress in investigations and inquiries.
- Provide all necessary resources required for the effective functioning of the CoI, to ensure investigations and inquiries are conducted in keeping with international standards.

- Make public the information available to the Col and IIGEP unless perceived as a threat to victims, affected families and witnesses. Further, unnecessary restrictions should not be imposed on members of the Col and IIGEP with regard to their issuing statements and reports, unless such restrictions are seen to be in the interests of the security of the above mentioned persons

Policy Brief No. 2, 2007

Commission of Inquiry and the International Independent Group of Eminent Persons: Commentary on Developments

January - April 2007

Introduction

This paper is a commentary on the developments related to the Commission of Inquiry (Col) and the International Independent Group of Eminent Persons (IIGEP) since their appointment¹. It looks at issues that are fundamental to the investigations and inquiries into human rights violations, with special emphasis on the 16 cases specified in the mandate of the Col and IIGEP. This paper does not go into discussion of the mandate and powers of the Col and IIGEP which have been discussed in previous documents², but focuses on key developments between January-April 2007 related to the investigations and inquiries.

Since January 2006, there has been an increase in human rights violations with over 4000 killings and 300,000 people internally displaced. The steady increase in grievous human rights violations throughout Sri Lanka and the, delays and interferences with inquiries have resulted in a culture of impunity. The non constitution of the Constitutional Council under the 17th Amendment to the Constitution, followed by the President's unilateral and arbitrary appointment of members to the independent commissions including the Human Rights Commission (HRC) and Police Commission³, the Attorney General (AG), the Auditor General, The Inspector General of Police (IGP), Justices of the Supreme Court and Court of Appeal⁴, have called into question the independence and impartiality of such bodies, the legal validity of their standing and the increasing politicization of such actors. Increasing control and interference by the Executive, coupled with the limited capacity of government structures to deal with mounting human rights cases and the lack of confidence among the general public in the national law enforcement agencies including the AG, have resulted in large numbers of human rights violations being either unreported, not investigated in an independent manner or in delays in instituting criminal prosecutions.

The mounting human rights cases led to the call by civil society organizations for international human rights monitors⁵. The Government responded by an announcement on September 4, 2006 by President Rajapaksa of an international independent commission to probe abductions, disappearances and extra-judicial killings in all areas of Sri Lanka. Instead of an international independent commission, the Government established the Col

and IIGEP. While CPA recognizes the important contribution a Col and IIGEP can make in investigating human rights abuses, the increasing human rights violations in the country demonstrates that the establishment of the Col and IIGEP has not been a deterrent. Human rights abuses have increased in 2007, the high numbers of violations demonstrating the threats to human security in all parts of Sri Lanka. With unprecedented human rights violations and the deteriorating humanitarian crisis, the need for an independent international monitoring mechanism and field based presence for human rights protection is vested with greater urgency.

Setbacks in Obtaining Information

In the carrying out of the functions mandated to the Col and IIGEP, it is imperative that information on the 16 cases specified in the Warrant and other relevant information is made available. This involves the sharing of information collected by government actors in the investigations and inquiries into the 16 cases, and other information that is requested by members of the Col.

According to Section 7 of the Col Act 1948, a Col appointed under the said Act has the following powers related to obtaining information-

- a) to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses, as the commission may think it necessary or desirable to procure and examine;
- b) to require the evidence (whether written or oral) of any witnesses to be given on oath or affirmation, such oath or affirmation to be that which could be required of the witness if he were giving evidence in a court of law, and to administer or cause to be administered by an officer authorized in that behalf by the commission an oath or affirmation to every such witness;
- c) to summon any person residing in Sri Lanka to attend any meeting of the commission to give evidence or produce any document or other thing in his possession, and to examine him as a witness or require him to produce any document or other thing in his possession;

The Warrant also provides extensive powers in respect of the obtaining of information and assistance by members of the Col. The Warrant directs all State officials and other persons to whom the Col applies for advice, assistance, facilities, resources, information or material, for the purpose of necessary investigations and inquiries, to render all such advice, assistance, facilities, resources, information and material as may be properly rendered. It goes on to direct the Inspector General of Police (IGP), Commanders of the Sri Lanka Army, Navy and Air Force, and other relevant State officials to provide necessary protection and assistance to the members of Col and IIGEP.

Though the Act and the Warrant both empower the Col to obtain the necessary information and assistance needed for the investigations and inquiries, there have been setbacks faced by the Col in obtaining information. According to media reports, the Col has had difficulties obtaining government records of investigations conducted in cases within the mandate of the Col. It was reported that the application by the Col to obtain records on the investigations conducted into the assassination of the former foreign minister Lakshman Kadirgamar was refused by the Colombo Magistrate⁶. The Magistrate was cited as saying that releasing the documents would interfere with future investigations. The court also observed that no Commission or person except the Attorney General should be allowed to file indictments in this case. This order sends a clear message to the Col, the Il-

GEP and the public, of the unwillingness of the State to assist with the investigations and inquiries, and a lack of commitment to bringing to justice perpetrators of human rights violations.

This setback in obtaining information highlights not only the bureaucracy within the justice and law enforcement system but increasing government control and interference in investigations. Subsequent to the order, the AGs department was reported to have stated that there should be cooperation with the Col and that information should be made available to the Col. As of now, the Col has not received any documents requested. Such developments further question the unduly intrusive role of the AG (discussed below) in the process that requires the utmost independence and impartiality.

While the Act and Warrant clearly provide for cooperation among all government actors and others with the Col, this is not the case in practice. Such developments beg the question of whether such setbacks and increasing unwillingness by government actors to collaborate with the Col and IIGEP, are signs of what is in store for the future work of the Col and IIGEP. **CPA calls on the authorities to ensure all relevant information pertaining to the cases is provided to the Col and the IIGEP, and facilitate any other assistance that is required by the Col and the IIGEP.**

Unduly Intrusive Role of the Government

As noted previously by CPA⁷, there were serious concerns with respect to the unduly intrusive and interfering nature of government actors in the investigations and inquiries and the adverse impact of this on the impartiality and independence of the Col and IIGEP.

AGs department

A government actor in question is the AGs department. The Warrant and the TOR for the IIGEP provides too much space for its involvement in the investigations and inquiries. The necessity for the AGs department in the process is to be questioned, as this is not seen as a judicial process but merely an investigation and inquiry. Further, the Warrant specifies that criminal proceedings would be initiated upon completion of the investigations and inquiries of the Col and upon receipt of the final report, with the AGs department mandated to play the lead role in instituting criminal proceedings. In such a context, there does not seem to be a necessity for the involvement of the AGs department at this early stage of investigations and inquiries. In a situation where there are high incidents of the abuse of the law, with resources and personnel stretched within the AGs department, their expertise and facilities should be best utilized in the civil and criminal proceedings and not wasted in investigations and inquiries mandated to the Col.

In addition, questions about the independence of the AGs department and the AG himself need to be raised. As a result of the non constitution of the Constitutional Council, the President has made unilateral and arbitrary appointments to independent commissions and other high posts, which are illegal and unconstitutional⁸. One such appointment is that of the current AG, Mr. C. R de Silva PC, who was unilaterally appointed by President Rajapaksa on April 10, 2007 bypassing constitutional mechanisms. While being mindful that in essence the appointment of the AG is unconstitutional and illegal, the involvement of the AG and his department in the present

process calls into question the increasing politicization of the process, jeopardizing the independence, impartiality and neutrality with which the Col and IIGEP are expected to function.

The intrusive role of the AGs department seems to emanate not only from the Warrant and the TOR, but also from certain members of the Col. Speaking at the inaugural meeting of the Col and the IIGEP, Justice N. Udalgama, Chairman of the Col, mentioned the setting up of the Panel of Counsel of the Col comprising of nominations by the AG including the Solicitor General, Deputy Solicitor Generals, Senior State Counsels and State Counsel. He also mentioned the appointment of the Solicitor General as the Lead Counsel of the Col. A subsequent development has been the appointment of a Panel of Counsel, six members from the AGs department and 2 independent counsels. Appointment of State officials as counsel to the Col not only raises concerns about the independence and impartiality of such appointees, but also question of a conflict of interest of such actors.

The role of the AGs department is to initiate prosecutions on behalf of the State, and provide advice and opinions to Government actors. In relation to the cases mandated to the Col, the AGs department is expected to initiate prosecutions after the completion of the investigations and inquiries. When members of the AGs department are appointed to the Panel of Counsel, they are part and parcel of the investigations and inquiries, and therefore can be called as material witnesses in subsequent cases. In such an event, there will be a clear case of a conflict of interest. Further, in the event the AGs department is appointed to the Panel of Counsel, they would come into possession of sensitive material related to the cases including testimonies of victims and witnesses. With no victim and witness protection mechanisms still in place, it is uncertain how such sensitive information would be used by the AGs department and others within the State, especially where there is evidence implicating State actors as perpetrators of human rights violations. The involvement of the AGs department in the Panel of Counsel could also reduce the number of people willing to come forward with evidence and information, due to the lack of confidence in public officers and the fear of possible repercussions arising from the implicating of State officials.

While welcoming the appointment of the two independent counsel, it is disturbing to find that the majority of the Panel is still comprised of members of the AGs department, questioning whether the appointment of the independent counsels is merely a form of tokenism. **CPA reiterates the importance of having an independent panel of counsel, reinforcing the notion of impartiality and neutrality that is required in investigations and inquiries. Such a measure would give confidence to victims, witnesses and the public to come forward with evidence and information**, ensuring that such do not get into the hands of Government actors.

Involvement of the AGs department in the process of investigations and inquiries of the Col and IIGEP, further raises concern pertaining to public perceptions. With the increasing involvement of the AGs department, many will question whether the Col and IIGEP are in reality independent of the State or whether they are indeed functioning with and/or on the advice of the Government and Government actors. There has been no change in the TOR for the IIGEP. The requirement to keep the AGs department informed on information received and on the issuing of statements, indicates that the AGs department will be crucially and continuously involved in the work of the IIGEP. As noted previously, such involvement of the AGs department in the investigations and inquiries, even though this is not a judicial process, will bring into question the role of the government in this endeavor, raising with it concern with regard to the independence and impartiality of the process.

Investigating Unit

In his speech Justice Udagama spoke of an Investigating Unit headed by a Deputy Inspector General. He further states that the Head of the Unit was appointed with the active cooperation of the National Police Commission and the Inspector General of Police. Both these offices have been unilaterally appointed by the President bypassing the Constitutional Council, making them in effect unconstitutional and illegal, and comprising of individuals close to the Executive. Support for and recognition of actors appointed in violation of the Constitution, such as the National Police Commission, IGP and AG, brings with it serious consequences including the legitimization of such appointments and the erosion of the rule of law and increasing authoritarianism by the Executive such support entails.

With the setting up of the Investigating Unit, several issues arise including the functions of the Unit, personnel to be appointed to the Unit and the adherence to basic international standards. **It is imperative that in the course of investigations, the Unit maintains operational procedures that have been formulated in consultation with experts in the field of investigations and inquiries and the IIGEP, to ensure that international standards are adhered to and that utmost confidentiality is maintained in relation to all information received and obtained by the Unit.** The Head of the Unit should work closely with the Sub committee comprising of several Col members and keep the rest of the Col and IIGEP informed of developments. A plan of investigation which maps the processes involved in investigations should be agreed upon in consultation with the Col and IIGEP, ensuring that all are onboard with the Plan. It has been reported that the Panel of Counsel would be consulted and their advice obtained in the workings of the Unit. Further, it has also been suggested that reports of the Unit will be presented to the sub committee and the Panel of Counsel. **While CPA recognizes the importance of obtaining expert advice and encourages the Col and Units related with its work to be in consultation with independent experts, involvement with the Panel of Counsel raises grave concerns.** As noted previously, the Panel of Counsel is to comprise of members of the AGs department, appointed in consultation with the AG, with implications of increasing State control and intrusion. All measures must be taken to ensure that the Unit works independently of State interference, with the involvement of the State kept to a minimum.

In the course of investigations, members of the Unit would be in contact with victims, witnesses and affected persons. Steps need to be taken to ensure that comprehensive victim and witness protection plans are in place (discussed below), with members of the Unit aware of and respecting the importance of the sensitive nature of the process and the confidentiality required of such a process.

It is also vital that members are proficient in Sinhala, Tamil and English to ensure that investigations proceed smoothly with victims, witnesses and others being able to make statements in a language of their choice. A criticism leveled against the present police structures in the North East is that Tamil speaking individuals lack the confidence to make a complaint or come forward with evidence and information as many of the police personnel and other government actors working in the North East are only proficient in Sinhala.

Victim and Witness Protection Unit

CPA reiterates the importance of providing protection and security to victims, witnesses and affected persons in any investigation, ensuring that their lives and the lives of people close to them are safe

and providing them with the confidence to give evidence and information. At the beginning of 2007, Minister Mahinda Samarasinghe, Minister for Disaster Management and Human Rights, in a news report mentioned the creation of a Witness Protection Unit¹⁰, a positive step in addressing issues related to witness protection. Justice Udalagama made similar reference in his inaugural speech in February. As at May 4, 2007, there is no Victim and Witness Assistance Protection Unit functional, with the expertise and resources necessary to provide protection, security and other services to people in need. With possible delays in having an effective and operational Unit, there are concerns that many would fear to come forward with evidence and information. The fear psychosis could be a leading factor accounting for the low numbers of representations. As a result of the fear experienced by many to come forward with information, only 12 representations have been made so far to the Col, as confirmed by the Secretary to the Col, Mr Piyadasa¹¹.

According to the Warrant, the Inspector General of Police, Commanders of the Sri Lankan Army, Navy and Air Force and other relevant State officials are to provide necessary protection and assistance to the members of the Col, members of the IIGEP and witnesses. While it is crucial to have a comprehensive witness protection plan and procedures in place, concern is raised with regard to the effectiveness of having the police and the armed services providing protection to witnesses, when in certain cases the perpetrators are from the police and the armed services. While welcoming measures to introduce a witness protection unit, it is important to ensure that modalities introduced for witness protection take into consideration the practical dangers faced by witnesses and their perceptions of fear and insecurity.

It is also important to ensure that the protection and security provided to victims, witnesses and affected persons and the plans in place do not get overly bureaucratic, and that the Col and the Unit has the flexibility to include persons they feel are vulnerable to threats. Attention also needs to be paid to sustain the protection provided to persons after the investigations and inquiries are completed, as their security may still be threatened. CPA reiterates the importance and the necessity of having a victim and witness protection programme that extends beyond the period of investigations.

Workings of the Col: Progress so far

CPA reiterates the importance for the Col and IIGEP to visit the sites of the violations under investigation and speak to as many as people as possible related to the cases. There should also be regular meetings by the Col and the IIGEP, jointly and individually, with civil society and other relevant actors, to obtain new information and to inform the relevant groups on the progress in investigations and inquiries. Further, measures should be taken to ensure that such consultations are conducted in a manner that ensures the security and confidence of witnesses and communities in the areas. Creating such information channels will not only keep all actors informed and provide transparency to the process, but also build confidence among the people in the process. While an initial public consultation of the Col did take place, there is a necessity for more of such consultations and in areas where the violations took place. CPA welcomes the visit of the members of the Col with the presence of a member of the IIGEP to Trincomalee town and Muttur in April. Such visits are necessary, ensuring that members of the Col and IIGEP meet with the relevant actors in the areas and obtain information first hand. However, without an effective victim and witness protection plan in place, there will still be hesitation among the people to come forward and risks endangering the

security of witnesses and communities in the areas. As mentioned previously, all actors must act speedily to ensure that an effective and comprehensive plan of victim and witness protection is in place.

Since the inception of investigations and inquiries by the Col, several setbacks have been faced by its members. Two members of the Col resigned in March 2007, reducing the number of members in the Col¹⁴. While the Col could operate with the existing members, there were fears that new members may be appointed by the President which could delay proceedings. It could also impact the informal working arrangements within the members and take time in building trust. As at May 4, no new appointments have been made.

Reports also suggest that the Col does not have sufficient funds to operate and hire professional staff for the investigations and inquiries. CPA urges the authorities to provide the necessary financial resources for the functioning of the Col, in particular, the hiring of professional staff to carry out the duties and functions of the Col and to ensure that investigations and inquiries are conducted in keeping with international standards.

Role of IIGEP

Previous reports stressed the important role members of the IIGEP can play in investigations and inquiries, bringing in expertise in the relevant fields and ensuring international standards are adhered to. It can also provide confidence to the victims, witnesses, affected persons and the public in general, ensuring that investigations and inquiries are conducted in an independent, impartial and professional manner. CPA raised concern on the unduly intrusive nature of the AGs department which can hamper the work of the members of the IIGEP. This has yet to be addressed by the authorities. Further, it seems that the role of IIGEP is merely that of an observer in the investigations rather than a proactive participant. This was stated by Justice Udagama in his inaugural speech when he said that investigations and inquiries into human rights violations will be conducted only by the Col. He further stated that the understanding of the Col is that the role of the IIGEP would be to observe the functions of the Col and **not to engage in alternative or parallel investigations or inquiries into these incidents**. Such statements in addition to the curtailment of the activities of the IIGEP through the control exercised by the AGs department, raise concern over the limited space in which they have to function, thereby seriously impeding their work.

There should be provision that information received by the Col and IIGEP should only be shared with the AGs department, when the Col and the IIGEP have received the consent to share the information from the person/persons providing such information and when there is evidence of an effective victim and witness protection mechanism. Further, there should be no provision stipulating that all information received by the IIGEP has to be conveyed to the Chairman of the Col. CPA welcomes steps taken by the IIGEP to ensure that information received by them will not be divulged to State actors if consent of the person providing information cannot be obtained. Further, CPA welcomes steps taken by the IIGEP not to divulge information if there are inadequate measures in place to protect sources. Such measures send a strong message of the independent role of the IIGEP, the nature of information received, the respect for confidentiality, and the importance of victim and witness protection programmes. **CPA urges the Government to remove all restrictions imposed on the IIGEP in receiving information, speaking to victims, witnesses and affected persons**, thereby ensuring that affected persons feel confident to come forward and share information, without having to worry as to who would be given the information. Such measures would ensure that the investigations and inquiries are enhanced by information received by sources who would not want to make public statements or go to State officials due

to safety fears they may have. It is imperative that investigations and inquiries into grievous human rights violations have provision for people to provide information in confidence, with assurance of protection and security. Such measures are needed most when there is a high incidence of impunity and perpetrators are recognized as State actors or actors affiliated to the State.

The Restrictions placed on members of IIGEP issuing statements has also been raised. CPA has highlighted the importance of the IIGEP being able to issue statements – seeing this as an opportunity for sharing observations and in assisting in the correcting of any shortcomings in the investigations and inquiries. CPA also sees this as an opportunity to demonstrate the positive aspects of the process. The undue restrictions placed on the issuing of statements by the IIGEP further raises the issue of undue control that the government has over the IIGEP. It is vital that restrictions imposed on the IIGEP are removed so that they have the freedom to share their observations, ensuring the freedom of information and expression. **CPA urges the authorities to remove all restrictions imposed on the members of the IIGEP in issuing statements, ensuring that they have the freedom and ability to conduct their work in a professional and effective manner, complementing the Col and the government's initiatives to address human rights violations.**

CPA reiterates the importance of ensuring that reports of the IIGEP are freely available to all stakeholders and the public, and that recommendations are taken on board by the Col and the Government. All information received by the IIGEP in the course of the investigations and inquiries should be made public, unless perceived by the IIGEP as jeopardizing the safety of victims, witnesses and affected person.

As stated in the TOR and witnessed in the first three months of the Col/IIGEP, members of the IIGEP are not expected to spend long periods of time in Sri Lanka, and will be expected to work on a rotational basis agreed upon by them. Such a level of involvement also raises issues on the exact nature of work to be conducted by the IIGEP, as none of the members are expected to be continuously present during the investigations and inquiries. Visits by the members on a rotational basis may prove counter productive. They will not be identified by victims, witnesses and affected persons as being fully involved in the process and the latter's confidence in the process could be adversely affected.

Taking on board the busy schedules of the members of the IIGEP and the inability to spend long periods in Sri Lanka, it is recommended that a more proactive role is played by the Secretariat to the IIGEP, with the assistants and other experts within the IIGEP having access to persons and sites, and continuously maintaining a dialogue with the relevant actors. This could be complemented with members of the IIGEP visiting on a rotational basis but also coming together at least every three months, and making their presence felt. For such a measure to take place, the State must ensure that undue restrictions are removed and that members of the IIGEP and its Secretariat have free access to personnel and sites. Such measures would not only facilitate the investigations and inquiries, provide transparency to the process and instill confidence in the public, but also demonstrate the sincerity of the Government in bringing to justice perpetrators of grievous human rights violations. It is imperative that the IIGEP take on board the difficulties faced by victims, witnesses and communities in the areas, and are sensitive to the manner in which consultations and meetings are organized.

Conclusion

The first few months of operations of the Col and the IIGEP demonstrates the various obstacles and delays in conducting investigations and inquiries into human rights violations with certain impediments directly attributable to the State. Further, certain developments related to the Col and IIGEP also demonstrate the dependency on and the consequent legitimization of bodies appointed unilaterally by the President in violation of the Constitution. In addition, there is evidence of increasing interference by the State in the functions of the Col and IIGEP. These developments undermine the ability of the Col and IIGEP to act independently and impartially, begging the question of whether the 16 cases of human rights violations would ever be effectively investigated and the perpetrators brought to justice.

In light of such developments, the reasons for the establishment of the Col and the IIGEP need to be reviewed in terms of whether their establishment has addressed the call for an independent and international mechanism dealing with human rights violations needs to be discussed. A cursory glance at the increased number of human rights violations and the deteriorating human security situation in most parts of Sri Lanka, demonstrates the necessity of and reiterates the call for an independent international monitoring mission to investigate human rights violations in Sri Lanka and for an international field based presence to ensure human rights protection in the future.

Endnotes

1. The Warrant for the Col was issued November 3, 2006. The latest TOR for the IIGEP is dated January 12, 2007
2. *A Commentary on the Commission of Inquiry and the International Independent Group of Eminent Persons*, CPA Policy Brief No.1, 2007, January 2007
3. Article 41B (1) of the 17th Amendment provides that no person shall be appointed by the President as the Chairman or a member of any of the Commissions specified in the Schedule to this Article, except on a recommendation of the Council.
4. Article 41C(1) of the 17th Amendment provides that no person shall be appointed by the President to any of the Offices specified in the Schedule to this Article, unless such appointment has been approved by the Council upon a recommendation made to the Council by the President.
5. Statement dated September 4, 2006, www.cpalanka.org
6. *Daily Mirror*, March 30, 2007
7. *A Commentary on the Commission of Inquiry and the International Independent Group of Eminent Persons*, CPA Policy Brief No.1, 2007, January 2007
8. Statement on the Introduction of the Emergency (Prevention and Prohibition of Terrorism) Regulations 2006, www.cpalanka.org
9. *The Island*, February 17, 2007
10. *Daily Mirror*, January 4, 2007
11. *Daily Mirror*, March 20, 2007
12. Meeting on March 8, 2007 at the Sri Lanka Foundation Institute
13. *Sunday Leader*, April 29, 2007
14. *Daily Mirror*, April 5, 2007