

- (b) If, in connection with such an offence, he breaks into and enters a house or dwelling of another person or stays there without lawful authority;
  - (c) If the hostage in the offence is a person under eighteen;
  - (d) If the offence is committed against several persons; or
  - (e) If the commission of such an offence results in serious bodily harm.
3. The offender shall be liable to a term of imprisonment of ten to fifteen years or to an extraordinary punishment if the commission of the offence referred to in paragraph 1 results in death.

## **XXXVII. SRI LANKA<sup>87</sup>**

### **1. PREVENTION OF TERRORISM<sup>88</sup>**

An Act To Make Temporary Provision for the Prevention of Acts of Terrorism in Sri Lanka, the Prevention of Unlawful Activities of Any Individual, Group of Individuals, Association, Organization or Body of Persons within Sri Lanka or outside Sri Lanka and for Matters Connected Therewith or Incidental Thereto

[24<sup>th</sup> July, 1979, except section 30]

#### *Preamble*

Whereas the Parliament of the Democratic Socialist Republic of Sri Lanka continues to affirm that men and institutions remain free only when freedom is founded upon respect for the Rule of Law and that grievances should be redressed by constitutional methods:

And whereas public order in Sri Lanka continues to be endangered by elements or groups of persons or associations that advocate the use of force or the commission of crime as a means of, or as an aid in, accomplishing governmental change within Sri Lanka, and who have resorted to acts of murder and threats of murder of members of Parliament and of local authorities, police officers, and witnesses to such acts and other law abiding and innocent citizens, as well as the commission of other acts of terrorism such as armed robbery, damage to State property and other acts involving actual or threatened coercion, intimidation and violence:

And whereas other democratic countries have enacted special legislation to deal with acts of terrorism:

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<sup>87</sup> Transmitted to the Secretariat by that Government on 9 August 1999 and 1 May 2001.

<sup>88</sup> Act 48 of 1979.

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

*Short title*

1. This Act may be cited as the Prevention of Terrorism (Temporary Provisions) Act.

Part I  
Offences

*Offences under this Act and penalties*

2. (1) Any person who –

(a) causes the death of any specified person, or kidnaps or abducts a specified person, or commits any other attack upon any such person, which act would, under the provisions of the penal code, be punishable with death or a term of imprisonment of not less than seven years; or

(b) causes the death of any person who is a witness to any offence under this act, or kidnaps or abducts or commits any other attack upon any such person, which act would, under the provisions of the penal code, be punishable with death or a term of imprisonment of not less than seven years; or

(c) commits criminal intimidation of any specified person or a witness referred to in paragraph (b); or

(d) commits the offence of robbery of the property of the government, any department, statutory board, public corporation, bank, co-operative union or co-operative society; or

(e) commits the offence of mischief to the property of the government, any department, statutory board, public corporation, bank, co-operative union or co-operative society or to any other public property; or

(f) without lawful authority imports, manufactures or collects any firearms, offensive weapons, ammunition or explosives or any article or thing used, or intended to be used, in the manufacture of explosives; or

(g) possesses without lawful authority, within any security area, any firearms or any offensive weapons, ammunition or explosives or any article or thing used, or intended to be used, in the manufacture of explosives; or

(h) by words either spoken or intended to be read or by signs or by visible representations or otherwise causes or intends to cause commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups; or

(i) without lawful authority erases, mutilates, defaces or otherwise interferes with any words, inscriptions, or lettering appearing on any board or other fixture on, upon or adjacent to, any highway, street, road or any other public place; or

(j) harbours, conceals or in any other manner prevents, hinders or interferes with the apprehension of, a proclaimed person or any other person, knowing or having reason to believe that such person has committed an offence under this act,

shall be guilty of an offence under this Act.

(2) Any person guilty of an offence specified in –

(i) paragraph (a) or (b) of subsection (1) shall on conviction be liable to imprisonment for life, and

(ii) paragraphs (c), (d), (e), (f), (g), (h), (i) or (j) of subsection (1) shall on conviction be liable to imprisonment of either description for a period not less than five years but not exceeding twenty years.

(3) In this section –

(i) “proclaimed person” means any person proclaimed by the inspector-general of police by proclamation published in the gazette to be a person wanted in connection with the commission of any offence under this act; and

(ii) “security area” means any area declared by the minister by order published in the gazette to be a security area if he is satisfied that by reason of any unlawful activity there is in such area a reasonable apprehension of organized violence.

*Penalty for preparation, abetment, conspiracy, or incitement to commit offence*

3. Any person who –

(a) does any act preparatory to the commission of an offence;

(b) abets, conspires, attempts, exhorts or incites the commission of an offence; or

(c) causes the death of any person, or commits any attack upon any person whomsoever in the course of committing any offence under this Act, which act would, under the provisions of the Penal Code, be punishable with death or with a term of imprisonment of not less than seven years,

shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a period of not less than five years but not exceeding twenty years where the offence is one specified in paragraph (a) or (b), or to imprisonment for life where the offence is one specified in paragraph (c).

*Forfeiture of property*

4. Where any person is convicted by any court of any offence under section 2 or section 3, then, in addition to any other penalty that the court shall impose for such offence –

(a) all property movable and immovable, of that person shall, by virtue of such conviction, be deemed to be forfeited to the Republic; and

(b) any alienation or other disposal of such property effected by such person after the 24th day of July, 1979, shall be deemed to have been, and to be, null and void.

*Penalty for failure to give certain information*

5. Any person who –

(a) knowing or having reasonable cause to believe that any person –

(i) has committed an offence under this act, or

(ii) is making preparation or is attempting to commit an offence under this act,

fails to report the same to a police officer; or

(b) having in his possession any information relating to the movements or whereabouts of any person who has committed or is making preparations or is attempting to commit an offence under this Act fails to report the same to a police officer,

shall be guilty of an offence and shall, on conviction be liable to imprisonment of either description for a period not exceeding seven years.

## Part II Investigation of Offences

### *Powers of entry, search and seizure*

6. (1) Any police officer not below the rank of Superintendent or any other police officer not below the rank of Sub-Inspector authorized in writing by him in that behalf may, without a warrant and with or without assistance and notwithstanding anything in any other law to the contrary –

- (a) arrest any person;
- (b) enter and search any premises;
- (c) stop and search any individual or any vehicle, vessel, train or aircraft and
- (d) seize any document or thing,

connected with or concerned in or reasonably suspected of being connected with or concerned in any unlawful activity.

(2) Any person who obstructs or hinders any police officer lawfully exercising any power conferred on him by or under subsection (1), shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a period not exceeding seven years.

### *Remand order*

7. (1) Any person arrested under subsection (1) of section 6 may be kept in custody for a period not exceeding seventy-two hours and shall, unless a detention order under section 9 has been made in respect of such person, be produced before a Magistrate before the expiry of such period and the Magistrate shall, on an application made in writing in that behalf by a police officer not below the rank of Superintendent, make order that such person be remanded until the conclusion of the trial of such person:

Provided that, where the Attorney-General consents to the release of such person from custody before the conclusion of the trial, the Magistrate shall release such person from custody.

(2) Where any person connected with or concerned in or reasonably suspected to be connected with or concerned in the commission of any offence under this Act appears or is produced before any court other than in the manner referred to in subsection (1), such court shall order the remand of such person until the conclusion of the trial:

Provided that, if an application is made under the hand of a police officer not below the rank of Superintendent to keep such person in police custody for a period not exceeding seventy-two hours, the Magistrate shall authorize such custody and thereupon the order of remand made by the Magistrate shall remain suspended for the period during which such person is in police custody.

(3) A police officer conducting an investigation under this Act in respect of any person arrested under subsection (1) of section 6 or remanded under subsection (1) or subsection (2) of this section –

(a) shall have the right of access to such person and the right to take such person during reasonable hours to any place for the purpose of interrogation and from place to place for the purposes of investigation; and

(b) may obtain a specimen of the handwriting of such person and do all such acts as may reasonably be necessary for fingerprinting or otherwise identifying such person.

#### *Recording of statement by Magistrate*

8. Any police officer may at any stage of an investigation or trial produce before any Magistrate any person conversant with any fact relating to the commission of any offence under this Act, and the Magistrate shall thereupon record the statement of such person upon oath.

### **Part III** **Detention and Restriction Orders**

#### *Detention orders*

9. (1) Where the Minister has reason to believe or suspect that any person is connected with or concerned in any unlawful activity, the Minister may order that such person be detained for a period not exceeding three months in the first instance, in such place and subject to such conditions as may be determined by the Minister, and any such order may be extended from time to time for a period not exceeding three months at a time:

Provided, however, that the aggregate period of such detention shall not exceed a period of eighteen months.

(2) (a) At any time after an order has been made in respect of any person under subsection (1), the Minister may direct that the operation of such order be suspended and may make an order under subsection (1) of section 11.

(b) The Minister may revoke any such direction if he is satisfied that the person in respect of whom the direction was made has failed to observe any condition

imposed or that the operation of the order can no longer remain suspended without detriment to public safety.

*Order under section 9 to be final*

10. An order made under section 9 shall be final and shall not be called in question in any court or tribunal by way of writ or otherwise.

*Power of Minister to order restriction of movement in certain cases*

11. (1) Where the Minister has reason to believe or suspect that any person is connected with or concerned in the commission of any unlawful activity referred to in subsection (1) of section 9, he may make an order in writing imposing on such person such prohibitions or restrictions as may be specified in such order in respect of –

- (a) his movement outside such place of residence as may be specified; or
- (b) the places of residence and of employment of such person; or
- (c) his travel within or outside Sri Lanka; or
- (d) his activities whether in relation to any organization, association or body of persons of which such person is a member, or otherwise; or
- (e) such person addressing public meetings or from holding office in, or taking part in the activities of or acting as adviser to, any organization, association or body of persons, or from taking part in any political activities,

and he may require such person to notify his movements to such authority, in such manner and at such times as may be specified in the order.

(2) Where the Minister makes a restriction order in respect of any person while an order of detention in respect of such person is in force, such restriction order shall unless otherwise specified, take effect upon the expiry of the detention order.

(3) Every order made under subsection (1) shall be in force for such period, not exceeding three months, as may be specified therein:

Provided, that the Minister may, by order in writing, extend such period from time to time for periods not exceeding three months at a time so however that the aggregate of such periods does not exceed eighteen months.

(4) Where an order is made under subsection (1), the Minister may by notice in writing served on the person to whom such order relates, vary, cancel or add to any prohibitions or restrictions imposed by such order on such person and the

prohibitions or restrictions so varied or added to shall, unless earlier cancelled, continue in force for the unexpired portion of the period specified in such order or the period as extended under subsection (3).

(5) An order made by the Minister under subsection (1) shall be final and shall not be called in question in any court or tribunal by way of writ or otherwise.

#### *Penalty*

12. Any person who contravenes or acts in breach of any prohibition or restriction imposed on him by an order under section 11 shall be guilty of an offence and shall on conviction be liable to a term of imprisonment of either description for a period of five years.

### **Part IV Advisory Board**

13. (1) There shall, for the purposes of this Act, be established an Advisory Board consisting of not less than three persons appointed by the President.

(2) Any person in respect of whom any detention order or restriction order has been made shall be informed of the unlawful activity in connexion with which such order has been made and such person or any other person on his behalf may make representations to the Advisory Board.

(3) Every meeting of the Advisory Board held to consider such representations shall be presided over by a Chairman nominated from among the members by the Minister and it shall be the duty of the Chairman to advise the Minister in respect of such representations.

(4) The Minister may make rules in relation to the hearing and disposal of any representations that may be made by any person in respect of any such order.

### **Part V Prohibition of Publications**

#### *Prohibition of publications*

14. (1) Notwithstanding the coming into operation of this Act on the 24th day of July, 1979, the provisions of subsection (2) shall come into operation only upon an Order made in that behalf by the Minister from time to time and published in the Gazette for such period as may be specified in the Order.

(2) (a) No person shall, without the approval in writing of a competent authority, print or publish in any newspaper any matter relating to



(i) the commission of any act which constitutes an offence under this act or the investigation of any such offence; or

(ii) incitement to violence, or which is likely to cause religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups.

(b) No person shall, without the approval in writing of a competent authority, distribute or be concerned in the distribution of any newspaper printed or published in Sri Lanka or outside Sri Lanka in respect of any matter the printing and publication of which is prohibited under paragraph (a).

(3) Any person who commits any act in contravention of any of the provisions of subsection (2) shall be guilty of any offence and shall on conviction be liable to imprisonment of either description for a period not exceeding five years.

(4) (a) Where any person is convicted of an offence under this section, the court may, in addition to the punishment it may impose for that offence under subsection (3), order that no person shall print, publish or distribute or in any way be concerned in the printing, publication or distribution of any such newspaper for such period as is specified in such order and that the printing press in which such newspaper was printed shall, for such period as shall be specified in such order, not be used for any purpose whatsoever or for any such purpose as is specified in the order.

(b) Where any proceedings have been instituted against any person for the commission of any offence under this section, it shall be competent for the court to make an interim order that the printing press in which it is alleged that such newspaper or publication was printed shall not be used for any purpose whatsoever or for any such purpose as is specified in the order, until the conclusion of the trial.

## Part VI Trial

### *Trial*

15. Every person who commits an offence under this Act shall be triable without a preliminary inquiry, on an indictment before a Judge of the High Court sitting alone without a jury.

### *Admissibility of certain statements*

16. (1) Notwithstanding the provisions of any other law, where any person is charged with any offence under this Act, any statement made by such person at any time, whether –

(a) it amounts to a confession or not;

- (b) made orally or reduced to writing;
- (c) such person was or was not in custody or presence of a police officer;
- (d) made in the course of an investigation or not;
- (e) it was or was not wholly or partly in answer to any question,

may be proved as against such person if such statement is not irrelevant under section 24 of the Evidence Ordinance:

Provided, however, that no such statement shall be proved as against such person if such statement was made to a police officer below the rank of an Assistant Superintendent.

(2) The burden of proving that any statement referred to in subsection (1) is irrelevant under section 24 of the Evidence Ordinance shall be on the person asserting it to be irrelevant.

(3) Any statement admissible under subsection (1) may be proved as against any other person charged jointly with the person making the statement, if, and only if, such statement is corroborated in material particulars by evidence other than the statements referred to in subsection (1).

*Sections 25, 26 and 30 of the Evidence Ordinance not to apply*

17. Notwithstanding anything to the contrary in any other law, the provisions of sections 25, 26 and 30 of the Evidence Ordinance shall have no application in any proceedings under this Act.

*Admissibility of certain statements and documents*

18. (1) Notwithstanding anything to the contrary in any other law –

- (a) a statement recorded by a Magistrate, or made at an identification parade by a person who is dead or who cannot be found, shall be admissible in evidence notwithstanding that such person is not present or cannot or has not been cross-examined; and
- (b) any document found in the custody, control or possession of a person accused of any offence under this Act or of an agent or representative of such person may be produced in court as evidence against such person without the maker of such document being called as a witness and the contents of such document shall be evidence of the facts stated therein.

(2) If in the course of a trial for an offence under this Act, any witness shall, on any material point, contradict either expressly or by necessary implication a statement made by him and recorded by a Magistrate or a statement made by him at any identification parade, it shall be lawful for the presiding Judge –

(a) to act upon such statement; and

(b) to have such witness at the conclusion of such trial arraigned and tried on an indictment which shall be prepared and signed by the Registrar of such court, for intentionally giving false evidence in a stage of a judicial proceeding.

(3) At any trial referred to in subsection (2) (b), it shall be sufficient to prove that the witness made the contradictory statement and it shall not be necessary to prove which of the statements is false.

*Provisions of any written law relating to the grant of bail not to apply to persons accused of any offence under this Act*

19. Notwithstanding the provisions of any other written law –

(a) every person convicted by any court of any offence under this Act shall, notwithstanding that he has lodged a petition of appeal against his conviction or the sentence imposed on him, be kept on remand until the determination of the appeal;

(b) any order made under the provisions of subsection (4) of section 14 shall, notwithstanding any appeal made against such order, continue in force until the determination of such appeal:

Provided, however, that the Court of Appeal may in exceptional circumstances release on bail any such person referred to in paragraph (a) subject to such conditions as the Court of Appeal may deem fit, or vary or suspend any order referred to in paragraph (b).

*Certain provisions of the Code of Criminal Procedure not to apply to persons convicted or found guilty of an offence under this Act*

20. Notwithstanding anything in the Code of Criminal Procedure Act –

(a) the provisions of section 303 of that Act shall not apply in the case of any person who is convicted;

(b) the provisions of section 306 of that Act shall not apply in the case of any person who pleads or is found guilty,

by or before any court of any offence under this Act.

*Priority for trials and appeals under this Act*

21. Every court shall give priority to the trial of any person charged with, or indicted for, any offence under this Act and to the hearing of any appeal from the conviction of any such offence and sentence imposed on such conviction.

**Part VII**  
**Special Provisions**

*Person committing offences under certain sections of the Penal Code in relation to specified persons, to be triable under this Act*

22. Any person who has committed any offence under section 296 or section 297 or section 300 of the Penal Code prior to the date of coming into operation of Part VI of this Act or has abetted or has conspired to abet the commission of any such offence prior to such date, in relation to any person who is a specified person or a person who was a witness to any offence which if such offence had been committed after the date of coming into operation of Part I of this Act would have constituted an offence under this Act shall, notwithstanding the provisions of any other law to the contrary, be triable without a preliminary inquiry, on an indictment before a Judge of the High Court sitting alone without a jury.

*Admissibility of statements*

23. The provisions of sections 8, 16, 17 and 18 of this Act shall, mutatis mutandis, apply to and in relation to any act, or the trial for the commission of an offence in respect of any act, committed before the 24th day of July, 1979, which act would, if committed after such date, have constituted an offence under this Act:

Provided, however, that no statement referred to in any such section shall be admissible unless such statement was made after the 24th day of July, 1979.

*Act committed in relation to vessel or aircraft*

24. Any person who commits an act in or in relation to any vessel or aircraft registered in Sri Lanka shall, if such act constitutes an offence under this Act, be guilty of an offence under this Act.

**PART VIII**  
**Miscellaneous**

*Offences by bodies of persons*

25. Where an offence under this Act is committed by a body of persons, then if that body of persons is –

- (a) a body corporate, every director and officer of that body corporate;  
or
- (b) a firm, every partner of that firm; or
- (c) a body unincorporate other than a firm, every officer of that body  
responsible for its management and control,

shall be deemed to be guilty of such offence:

Provided that no such person shall be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

*Protection of officers, &c*

26. No suit, prosecution or other proceeding, civil or criminal, shall lie against any officer or person for any act or thing in good faith done or purported to be done in pursuance or supposed pursuance of any order made or direction given under this Act.

*Regulations*

27. (1) The Minister may make regulations under this Act for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette be brought before Parliament for its approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder. Notification of the date on which a regulation is deemed to be rescinded shall be published in the Gazette.

*This Act shall prevail over other written law*

28. The provisions of this Act shall have effect notwithstanding anything contained in any other written law and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other written law, the provisions of this Act shall prevail.

*Duration of this Act*

29. The provisions of this Act shall be in operation for a period of three years from the date of its commencement.

*Repeal of Law No. 16 of 1978*

30. The Proscribing of Liberation Tigers of Tamil Eelam and Other Similar Organizations Law, No. 16 of 1978, [Lapsed on 23<sup>rd</sup> May 1980] is hereby repealed.

**PART IX**  
**Interpretation**

*Interpretation*

31. (1) In this Act, unless the context otherwise requires --

“competent authority” means any person appointed by the Minister by name or by office to be a competent authority for the purposes of this Act;

“co-operative union or co-operative society” includes any society registered or deemed to be registered under the Co-operative Societies Law;

“document” has the same meaning as in the Penal Code;

“explosives” has the same meaning as in the Explosives Act;

“firearms” has the same meaning as in the Firearms Ordinance;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Council and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed and discharged by any such Council;

“newspaper” includes any journal, magazine, pamphlet or other publication;

“offensive weapon” has the same meaning as in the Offensive Weapons Act;

“organization” includes any movement, society, party, association or body or group of persons;

“printing press” includes any machinery, apparatus or plant capable of being used for printing, lithography, photography or other mode of representing or reproducing words in a visible form, or any type or other article belonging to such machinery, apparatus or plant;

“public corporation” means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance, [Repealed and replaced by the Companies Act, No. 17 of 1982] with funds or

capital wholly or partly provided by the Government by way of grant, loan or otherwise;

“specified person” means

- (a) the President;
- (b) a Judge of the Supreme Court, Court of Appeal, High Court, District Court, Magistrate's Court, Primary Court or any other Court of First Instance;
- (c) any representative or official of a foreign State or any official or other agent of an international organization of an inter-governmental character;
- (d) a member of Parliament or of a local authority;
- (e) any member of a commission established under the Special Presidential Commissions of Inquiry Law or under the Commissions of Inquiry Act;
- (f) juror, counsel or officer of court; and
- (g) any member of the Armed Forces, Police Force and any other Forces charged with the maintenance of public order; and

“unlawful activity” means any action taken or act committed by any means whatsoever, whether within or outside Sri Lanka, and whether such action was taken or act was committed before or after the 24th day of July, 1979, in connexion with the commission of any offence under this Act or any act committed prior to the 20th day of July, 1979, which act would, if committed after such date, constitute an offence under this Act.

(2) All words and expressions used herein and defined in the Penal Code and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them by that Code.

## **2. PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) (AMENDMENT) ACT No. 10 OF 1982**

[Certified on 15th March 1982]

An Act to amend the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979.

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

*Short title*

1. This Act may be cited as the Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 10 of 1982.

*Amendment of section 15 of Act No. 48 of 1979*

2. Section 15 of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, hereafter in this Act referred to as the "principal enactment", is hereby amended as follows:

(1) by the renumbering of that section as subsection (1) of that section: and

(2) by the addition, immediately after the renumbered subsection (1) of that section, of the following new subsection:

"(2) Upon the indictment being received in the High Court against any person in respect of any offence under this Act or any offence to which the provisions of section 23 shall apply, the court shall, in every case, order the remand of such person until the conclusion of the trial."

*Insertion of a new section 15A in the principal enactment*

3. The following new section is hereby inserted immediately after section 15, and shall have effect as section 15A, of the principal enactment:

"15A. (1) Where any person is on remand under the provisions of subsection (2) of section 15, or section 19 (a), notwithstanding any other provision of this Act or any other law, the Secretary to the Ministry of the Minister in charge of the subject of Defence may, if he is of opinion that it is necessary, or expedient so to do, in the interests of national security or public order, make Order, subject to such directions as may be given by the High Court to ensure a fair trial of such person, that such person be kept in the custody of any authority, in such place and subject to such conditions as may be determined by him having regard to such interests.

(2) Any Order made under subsection (1) shall be communicated to the High Court and to the Commissioner of Prisons and it shall be the duty of such Commissioner, to deliver the custody of such person to the authority specified in such order and the provisions of the Prisons Ordinance shall cease to apply in relation to the custody of such person."



*Repeal of section 29 of the principal enactment*

4. Section 29 of the principal enactment is hereby repealed.

*Amendment of section 31 of the principal enactment*

5. Section 31 of the principal enactment is hereby amended by the substitution, for the definition of “unlawful activity”, of the following definition:

“unlawful activity” means any action taken or act committed by any means whatsoever, whether within or outside Sri Lanka, and whether such action was taken or act was committed before or after the date of coming into operation of all or any of the provisions of this Act in the commission or in connection with the commission of any offence under this Act or any act committed prior to the date of passing of this Act, which act would, if committed after such date, constitute an offence under this Act.’

*Retrospective effect of amendment*

6. (1) The amendment made to the principal enactment by section 5 of this Act shall be deemed for all purposes to have come into force on July 24, 1979.

(2) Every Order made under the provisions of the principal enactment shall be deemed for all purposes to have been made under the provisions of the principal enactment as amended by this Act.

(3) Where any question of interpretation of any provision of the principal enactment arises in any proceeding or matter pending in any court such question shall be determined in accordance with the provisions of the principal enactment as amended by this Act.

3. PREVENTION OF TERRORISM (TEMPORARY PROVISIONS)  
(AMENDMENT) ACT No. 22 OF 1988

[Certified on 15th July, 1988]

An Act to Amend the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

*Short title*

1. This Act may be cited as the Prevention of Terrorism (Temporary Provisions) (Amendment) Act, No. 22 of 1988.

*Amendment of section 15 of Act No. 48 of 1979*

2. Section 15 of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, is hereby amended by the repeal of subsection (1) of that section and the substitution, of the following subsection therefor:

“(1) Every person who commits an offence under this Act shall be triable without a preliminary inquiry, on an indictment before a Judge of the High Court sitting alone without a jury or before the High Court at Bar by three Judges without a jury, as may be decided by the Chief Justice. The provisions of sections 450 and 451 of the Code of Criminal Procedure Act, No. 15 of 1979, shall, mutatis mutandis, apply to the trial of offences under this Act by the High Court at Bar and to appeals from judgements, sentences and orders pronounced at any such trial held by the High Court at Bar.”.

4. OFFENCES AGAINST AIRCRAFT ACT, NO. 24 OF 1982

[Certified on 26th July, 1982]

An Act to give effect to certain Conventions relating to the Safety of Aircraft to which Sri Lanka has become a party, namely –

- (a) The Convention on Offences and Certain Other Acts Committed On Board Aircraft, Signed at Tokyo on September 14, 1963;
- (b) The Convention for the Suppression of Unlawful Seizure of Aircraft, Signed at The Hague on December 16, 1970; and
- (c) The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Signed at Montreal on September 23, 1971,

and to provide for matters connected therewith.

*Preamble*

Whereas Sri Lanka is a party to the aforesaid Conventions:

And Whereas by these Conventions certain acts committed against, or in relation to, aircraft are recognized to be criminal according to the general principles of law recognized by the community of Nations:

And Whereas, it is obligatory on Sri Lanka by international law, to provide for the punishment of these acts under the law of Sri Lanka:

Be it therefore enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

*Short title and dates of operation*

1. (1) This Act may be cited as the Offences against Aircraft Act, No. 24 of 1982.

(2) The provisions of section 2 and Part I of this Act shall come into operation on the date of enactment of this Act.

(3) The provisions of Part II of this Act shall be deemed for all purposes to have come into operation on July 3, 1978, being the date on which –

(a) the Convention for the suppression of unlawful seizure of aircraft, signed at the Hague on December 16, 1970; and

(b) the Convention for the suppression of unlawful acts against the safety of Civil Aviation, signed at Montreal on September 23, 1971,

entered into force in respect of Sri Lanka, and accordingly any person who has committed, on or after July 3, 1978, any act or omission which constitutes an offence under that Part shall be liable to be tried and punished for such offence under the provisions of that Part.

*Competent Authority*

2. The Director of Civil Aviation appointed under the Air Navigation Act, shall be the Competent Authority for the purposes of this Act.

**PART I**

*Minister to certify contracting states to the convention*

3. The Minister may, by Order published in the *Gazette*, certify which are the contracting states for the purposes of the Convention. Every such Order shall be conclusive evidence of the matters so certified.

*Jurisdiction of courts over offences committed on board Sri Lanka aircraft*

4. (1) Any act or omission committed, or taking place, on board a Sri Lanka aircraft in flight or on the surface of the high seas or of any other area outside the territory of any state, which if committed or taking place in Sri Lanka would have constituted an offence under the law of Sri Lanka, shall constitute that offence, whether such act or omission is committed by a citizen of Sri Lanka or not.

(2) Where an offence under the law of Sri Lanka is committed on board a Sri Lanka aircraft in flight or on the surface of the high seas or of any other area outside the territory of any state (not being an offence of a political nature or based on racial or religious discrimination), such offence shall, if it is an offence which if committed in Sri Lanka would have been triable under the law of Sri Lanka –

(a) by a Magistrate's Court, be tried by the Magistrate's Court of Colombo;

or

(b) by the High Court, be tried by the High Court holden in the judicial zone of Colombo.

*Commander of a Sri Lanka aircraft deemed to be a peace officer within the meaning Code of Criminal Procedure Act*

5. Every Commander of a Sri Lanka aircraft shall be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979, and may exercise, in relation to any offence referred to in section 4, any power conferred on a peace officer by that Act.

*Provisions of Chapter III of the Convention to have force of law in Sri Lanka*

6. (1) The provisions of the Schedule to this Act, being the provisions of Chapter III of the Convention, shall have force of law in Sri Lanka, so far as those provisions relate to the powers of a Commander of a Sri Lanka aircraft in relation to offences and acts committed on board such aircraft when such aircraft is in flight or on the surface of the high seas or of any other area outside the territory of a state.

(2) In the event of any inconsistency between the provisions of the Schedule to this Act and the provisions of any other law, the provisions of that Schedule shall prevail over such other law.

*Resistance and obstruction of aircraft Commander exercising powers conferred on him by the provisions of the Schedule to be an offence*

7. Any person who resists or obstructs the Commander of a Sri Lanka aircraft in the exercise of any powers conferred on him by the provisions of the Schedule to this Act shall be guilty of an offence under this Part of this Act.

*Refusal or failure to assist aircraft Commander to be an offence*

8. Any member of the crew of a Sri Lanka aircraft who fails or refuses to assist the Commander of the aircraft to restrain any person on board that aircraft when required or authorized to do so by such Commander in the exercise of any powers

conferred on him by the provisions of Article 6 of the Schedule to this Act shall be guilty of an offence under this Part of this Act.

*Failure of aircraft Commander to report disembarkation of offender or to notify the intention to deliver offender, to be an offence*

9. The Commander of a Sri Lanka aircraft who fails to comply with the provisions of –

(a) section 2 of Article 8; or

(b) section 2 of Article 9,

of the Schedule to this Act shall be guilty of an offence under this Part of this Act.

*Offences under this Part of this Act*

10. (1) Any person who is guilty of an offence under this Part of this Act shall, on conviction after summary trial before a Magistrate, be liable to imprisonment for a term not exceeding one year and to a fine not exceeding two thousand rupees.

(2) Where a power is conferred or a duty imposed, by the Code of Criminal Procedure Act, No. 15 of 1979, on a Magistrate in respect of an offence triable by the High Court, such power or duty shall, in relation to an offence under this Part of this Act, be exercised and performed by the Magistrate's Court of Colombo.

*Commander of aircraft registered in contracting state to be allowed to disembark or deliver persons in accordance with the Convention*

11. Where the Commander of an aircraft registered in a contracting state notifies the appropriate authorities in Sri Lanka that he intends to disembark any person in accordance with the provisions of Article 8 of the Schedule to this Act or to deliver any person in accordance with Article 9 of the Schedule, such Commander shall be allowed to land his aircraft in Sri Lanka and to disembark or deliver such person. The appropriate authorities in Sri Lanka shall take charge of any person so disembarked or delivered.

*Duties of the Competent Authority on the delivery of a person*

12. (1) Where any person is delivered in accordance with the provisions of Article 9 of the Schedule to this Act to the appropriate authorities in Sri Lanka by the Commander of an aircraft registered in a contracting state, the Competent Authority shall –

(a) make a preliminary inquiry into the facts;

(b) assist the person so delivered in communicating with the nearest appropriate representative of the state of which such person is a national;

(c) notify –

- (i) the contracting state in which such aircraft is registered;
- (ii) the state of nationality of the person so delivered, if such person is not a national of Sri Lanka;
- (iii) any other interested state,

of the fact that such person has been so delivered and the circumstances that warrant his detention.

(2) Upon the conclusion of the preliminary inquiry referred to in paragraph (a) of subsection (1), the Competent Authority shall report his findings to the states referred to in paragraph (c) of that subsection and shall indicate to them whether Sri Lanka intends to exercise jurisdiction over the offence to which the preliminary inquiry relates.

*Person disembarked or delivered to be allowed to leave Sri Lanka if no criminal or extradition proceedings are instituted against*

13. Where no –

- (a) criminal proceedings are instituted against; or
- (b) proceedings are commenced for the extradition of,

any person disembarked in accordance with Article 8 of the Convention, or delivered in accordance with Article 9 of the Convention by the Commander of an aircraft registered in a contracting state and such person desires to continue his journey, he shall be allowed to proceed to a destination of his choice. If however, such person does not desire to continue his journey, the Competent Authority may, if such person is not a citizen of Sri Lanka, return him to the state of which he is a national or permanent resident or to the state from which he commenced his journey by air.

*Disembarkation or delivery not deemed to be permission to enter Sri Lanka*

14. A person shall not be deemed, by reason only of his having been delivered to the appropriate authorities in Sri Lanka in accordance with Article 9 of the Convention or his having been disembarked in Sri Lanka in accordance with Article 8 of the Convention, to have been allowed to enter Sri Lanka.

*Offences committed on aircraft registered in a contracting state deemed to be committed in that state*

15. Any act committed on board an aircraft registered in a contracting state, which constitutes an offence under the law of that state shall, for the purposes of the Extradition Law, No. 8 of 1977, be deemed to have been committed state within the jurisdiction of that state.

*Interpretation*

16. In this Part of this Act –

“Convention” means the Convention on offences and certain other acts committed on board aircraft signed at Tokyo on September 14, 1963;

“contracting state” means a state which is a party to the Convention;

“in flight” in relation to an aircraft means the period of time commencing at the moment when power is applied for the purpose of take-off of the aircraft and ending at the moment when the landing run ends;

“Sri Lanka aircraft” means an aircraft registered in Sri Lanka under the Air Navigation Act, not being an aircraft used in military, customs or police services.

PART II

*Offences on board or against aircraft*

17. (1) Any person who –

(a) on board a Sri Lanka aircraft in flight, unlawfully by force or threat thereof or any other form of intimidation, seizes, or exercises control of, that aircraft;

(b) unlawfully and intentionally performs any such act of violence against a person on board a Sri Lanka aircraft in flight as is likely to endanger the safety of that aircraft; or

(c) unlawfully and intentionally destroys a Sri Lanka aircraft in service; or

(d) unlawfully and intentionally causes such damage to a Sri Lanka aircraft in service as renders it incapable of flight or as is likely to endanger its safety in flight; or

(e) unlawfully and intentionally places or causes to be placed in a Sri Lanka aircraft in service by any means whatsoever, any device or substance which is likely to –

(i) destroy that aircraft; or

(ii) cause such damage to it as to render it incapable of flight or as is likely to endanger the safety of a Sri Lanka aircraft in flight; or

(f) unlawfully and intentionally causes such damage or destruction to, or makes such interference with the and operation of, any air navigation facilities, used in international air navigation as is likely to endanger the safety of a Sri Lanka aircraft in flight; or

(g) unlawfully and intentionally communicates information which he knows to be false endangering the safety of a Sri Lanka aircraft in flight,

shall be guilty of an offence under this Part of this Act and shall be liable, on conviction after trial before the High Court holden at Colombo, to imprisonment for life.

(2) Any person who attempts to commit, or abets the commission of, an offence under subsection (1) shall be guilty of an offence under this Part of this Act and shall be liable, on conviction after trial before the High Court holden at Colombo, to the same punishment as is prescribed for the first-mentioned offence.

In this subsection, “abet” has the same meaning as in sections 100 and 101 of the Penal Code.

(3) An offence under this Part of this Act shall be tried before the High Court holden in the judicial zone of Colombo.

*Offences under this Part of this Act to be cognizable and non-bailable*

18. (1) Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979, every offence under this Part of this Act shall be –

(a) a cognizable offence;

(b) a non-bailable offence,

within the meaning, and for the purposes, of that Act; and so long as the Criminal Procedure (Special Provisions) Law, No. 15 of 1978, is in force every such offence shall be deemed to be included in the First Schedule to that Law.

(2) Where a power is conferred or a duty imposed, by the Code of Criminal Procedure Act, No. 15 of 1979, on a Magistrate in respect of an offence triable by



the High Court, such power or duty shall, in relation to an offence under this Part of this Act, be exercised and performed by the Magistrate's Court of Colombo.

*Acts committed on board, or in relation to, a foreign aircraft deemed to be offences*

19. (1) Any person, whether he is a citizen of Sri Lanka or not, who commits, on board, or in relation to, a foreign aircraft, outside Sri Lanka, any act referred to in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) or paragraph (e) or paragraph (f) or paragraph (g) of subsection (1) of section 17 shall be guilty of an offence under this Part of this Act and shall be liable, on conviction after trial before the High Court, to imprisonment for life.

(2) Any person who attempts to commit, or abets the commission of, an offence under subsection (1) shall be guilty of an offence under this Part of this Act and shall be liable, on conviction after trial before the High Court, to the same punishment as is prescribed for the first-mentioned offence.

In this subsection, "abet" has the same meaning as in sections 100 and 101 of the Penal Code.

(3) No Court in Sri Lanka shall have jurisdiction to try an offence under this section except in the following cases, that is to say –

(a) where the act constituting the offence is committed in Sri Lanka; or

(b) where the foreign aircraft on board which, or in relation to which, the act constituting the offence is committed lands in Sri Lanka with the alleged offender on board; or

(c) where the foreign aircraft on board which, or in relation to which, the act constituting such offence is committed, has been leased without crew, to a lessee who has his principal place of business in Sri Lanka, or (if he has no such place of business), has his permanent residence in Sri Lanka; or

(d) where the act constituting such offence is an act referred to in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) or paragraph (e) of subsection (1) of section 17 committed in relation to a foreign aircraft, or the attempt to commit, or the abetment of the commission of, any such act, if the person committing such act is present in Sri Lanka.

*Competent Authority to make preliminary inquiry on the arrest of any person under this Part of this Act*

20. Where any person is arrested for an offence under this Part of this Act the Competent Authority shall make a preliminary inquiry into the facts and shall, if the person arrested is not a national of Sri Lanka, assist him in communicating with the nearest appropriate representative of the state of which he is a national.

*Duties of the Competent Authority*

21. (1) Where any person is arrested for an offence under this Part of this Act, the Competent Authority shall –

- (a) if such person is not a national of Sri Lanka, notify the state of nationality of that person;
- (b) if the aircraft on board, or in relation to, which such offence was committed is a foreign aircraft, notify the state of registration of that aircraft;
- (c) if the aircraft on board, or in relation to, which such offence was committed has been leased without crew to a lessee, notify the state in which such lessee has his principal place of business, or if he has no such place of business, notify the state in which such lessee has his permanent residence;
- (d) notify any other interested state,

of the fact that such person is under arrest and the circumstances which warrant his detention.

(2) Upon the conclusion of the preliminary inquiry referred to in section 20, the Competent Authority shall report his findings to the states referred to in subsection (1) and shall indicate whether Sri Lanka intends to exercise jurisdiction over the offence to which the preliminary inquiry relates.

*Amendment of Extradition Law, No. 8 of 1977*

22. (1) The Extradition Law, No. 8, of 1977, is hereby amended in the Schedule to that Law, by the addition, at the end thereof, of the following:

“(32) Unlawful seizure, or exercise of control, of an aircraft in flight.

(33) Acts of violence against a person on board an aircraft in flight likely to endanger the safety of that aircraft.

(34) Destruction of, or danger to, an aircraft in service as is likely to endanger its safety in flight.

(35) Placing of device or substance on aircraft in service likely to cause destruction or damage to such aircraft.

(36) Destruction of, damage to, or interference with, air navigation facilities used for international air navigation.

(37) Communication of false information endangering the safety of aircraft.”.

(2) The amendment made to the Extradition Law, No. 8 of 1977, by subsection (1) of this section shall be deemed to have come into force on July 13, 1978.

*Convention to constitute extradition arrangement between the Government of Sri Lanka and the Governments of states which are parties to the Hague and Montreal Conventions*

23. (1) The Hague Convention shall be deemed, for the purposes of section 3 of the Extradition Law, No. 8 of 1977, to be an extradition arrangement between the Government of Sri Lanka and the Government of a state which is a party to such Convention, and the Minister shall, notwithstanding anything in section 4 or any other provision of that Law, be deemed to have made an Order under section 3 of that Law in respect of that state with effect from –

(a) July 3, 1978, if such Convention entered into force in respect of such state prior to July 3, 1978; or

(b) the date on which such Convention entered into force in respect of such state, after July 3, 1978.

Every such Order shall be deemed to have been approved by Parliament and shall be final and conclusive for all purposes. Any state in respect of which an Order is deemed to have been made under this subsection, shall, for the purposes of that Law be deemed to be a treaty state.

(2) The Montreal Convention shall be deemed for the purposes of section 3 of the Extradition Law, No. 8 of 1977, to be an extradition arrangement between the Government of Sri Lanka and the Government of a state which is a party to such Convention, and the Minister shall, notwithstanding anything in section 4 or any other provision of that Law, be deemed to have made an Order under section 3 of that Law in respect of that state with effect from –

(a) July 3, 1978, if such Convention entered into force in respect of such state prior to July 3, 1978; or

(b) the date on which such Convention entered into force in respect of such state, if such Convention entered into force in respect of such state after July 3, 1978.

Every such Order shall be deemed to have been approved by Parliament and shall be final and conclusive for all purposes. Any state in respect of which an Order is deemed to have been made under this subsection, shall, for the purposes of that Law, be deemed to be a treaty state.

(3) A certificate under the hand of the Secretary to the Ministry of the Minister in charge of the subject of Foreign Affairs to the effect that any state is a party to the Hague Convention or the Montreal Convention or specifying the date on which any such Convention entered into force in respect of any state, shall be admissible in evidence in any proceedings under the Extradition Law, No. 8 of 1977, and shall be conclusive evidence of the matters stated therein.

*Provision regarding extradition*

24. Any act committed on board, or in relation to, an aircraft, which constitutes –

- (a) an offence under this Part of this Act; and
- (b) an offence under the law of any other state,

shall be deemed for the purposes of the Extradition Law, No. 8 of 1977, to be an act committed not only within the jurisdiction of the state in which such act was committed but also within the jurisdiction of such other state.

*Special provision relating to extradition*

25. (1) For the resolution of doubts, it is hereby declared that where a request is made under the Extradition Law, No. 8 of 1977, for the extradition of a person accused of an offence referred to in this Part of the Act and alleged to have been committed at any time after July 3, 1978, such offence is, for the purposes of the Extradition Law, No. 8 of 1977, an extraditable offence.

(2) Nothing in section 7 (3) of the Extradition Law, No. 8 of 1977, shall apply to, or in relation to, a person for whose extradition a request has been made by a treaty state under that Law if there is provision in the law of that state for securing, or if the Secretary to the Ministry of the Minister in charge of the subject of Foreign Affairs certifies that the Government of that state has given an undertaking, that such person will not be arrested, detained, remanded or otherwise dealt with in that state for or in respect of any offence committed before his extradition, other than –

- (a) the offence in respect of which the request for extradition has been made;
- (b) any lesser offence proved by the facts established before the court of committal; or

- (c) any other offence, being an extraditable offence in respect of which the Government of Sri Lanka may consent to his being so dealt with.

### *Interpretation*

#### 26. In this Part of this Act –

“foreign aircraft” means an aircraft registered in a state other than Sri Lanka, not being an aircraft used in military, customs or police services;

“Hague Convention” means the Convention for the suppression of unlawful seizure of aircraft signed at the Hague on December 16, 1970;

“in flight” in relation to an aircraft, means the period commencing at the moment when the external doors of the aircraft are closed following embarkation and ending at the moment when any such door is opened for the purposes of disembarkation; and includes a period commencing at the moment when the aircraft makes a forced landing during the flight and ending at the moment when the appropriate authorities take over responsibility for that aircraft and for the persons and property, on board the aircraft;

“in service” in relation to an aircraft, means the period commencing at the moment when the aircraft is prepared for a specific flight by ground personnel or the air crew of the aircraft and ending at the expiration of twenty-four hours from the moment when the aircraft makes a landing and includes a period during which the aircraft is in flight;

“Montreal Convention” means the Convention for the suppression of unlawful acts against the safety of Civil Aviation signed at Montreal on September 23, 1971.

“Sri Lanka aircraft” means an aircraft registered in Sri Lanka under the Air Navigation Act, not being an aircraft used in military, customs or police services.

### **Schedule**

Chapter III of the Convention on Offences and certain other Acts Committed on Board Aircraft, Signed at Tokyo on 14 September 1963

### *Powers of the Aircraft Commanders*

#### *Article 5*

1. The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the

territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

#### *Article 6*

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

- (a) to protect the safety of the aircraft, or of persons or property therein; or
- (b) to maintain good order and discipline on board; or
- (c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

#### *Article 10*

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

## 5. SAARC REGIONAL CONVENTION ON SUPPRESSION OF TERRORISM ACT, No. 70 OF 1988

[Certified on 11th December, 1988]

An Act to make provision to give effect to the South Asian Association for Regional Co-operation Regional Convention on Suppression of Terrorism; and for matters connected therewith or incidental thereto.

Whereas a Regional Convention for the Suppression of Terrorism was signed on behalf the Government of Sri Lanka and the other member states of the South Asian Association for Regional Co-operation at Kathmandu, on the fourth day of November, Nineteen Hundred and Eighty-seven, and came into force on August 22nd, 1988, upon the deposit of instruments of ratification in accordance with the provisions of the aforesaid Convention:

And whereas it is necessary to make legal provision to give effect to the provisions of the aforesaid Convention:

Now therefore, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

### *Short title*

1. This Act may be cited as the SAARC Regional Convention on Suppression of Terrorism Act, No. 70 of 1988.

### Part I

#### Amendments to the Extradition Law, No. 8 of 1977

#### *Amendments to the Schedule to Extradition Law*

2. The Schedule to the Extradition Law, No. 8 of 1977, is hereby amended by the addition, at the end of the Schedule thereto, of the following Part:

#### “Part B

- (a) An offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at Hague on December 16, 1970;
- (b) An offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971;

(c) An offence within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on December 14, 1973;

(d) An offence within the scope of any Convention to which the SAARC member States are parties and which obliged the parties to prosecute or grant extradition;

(e) Murder, culpable homicide not amounting to murder, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property.”.

### *Interpretation*

3. Notwithstanding anything in the Extradition Law, No. 8 of 1977, an offence specified in Part B of the Schedule to that Law and the First Schedule to this Act shall for the purpose of that Law, be deemed not to be an offence of a political character or an offence connected with a political offence or an offence inspired by political motives, for the purposes only of extradition of any person accused or convicted of any such offence, as between the Government of Sri Lanka and any state specified in the Second Schedule to this Act.

## **Part II**

### **Provision regarding Extradition Arrangements**

#### *Existing extradition arrangements with certain SAARC States deemed to provide for offences in the Schedule*

4. Where there is an extradition arrangement made by the Government of Sri Lanka with any State specified in the Second Schedule to this Act, in force on the date of commencement of this Act, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect of the offences specified in the First Schedule to this Act.

#### *Minister may treat Convention as an extradition arrangement between Sri Lanka and certain SAARC States in respect of offences in the Schedule*

5. Where there is no extradition arrangement made by the Government of Sri Lanka with any State specified in the Second Schedule to this Act, in force on the date of commencement of this Act, the Minister may, by Order published in the Gazette, treat the Convention, for the purposes of the Extradition Law, No. 8 of 1977, as an extradition arrangement made, by the Government of Sri Lanka with



that State providing for extradition in respect of the offences specified in the First Schedule to this Act.

*Duty of Minister to notify requesting country of measures taken against persons whose extradition request is made*

6. (1) Where a request is made to the Government of Sri Lanka, by or on behalf of the Government of a State specified in the Second Schedule to this Act for the extradition of any person accused or convicted of an offence specified in the First Schedule to this Act, the Minister shall, on behalf of the Government of Sri Lanka forthwith notify the Government of the requesting State of the measures which the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.

(2) Where it is decided that no order should be made under the Extradition Law, No. 8 of 1977, for the extradition of any person accused or convicted of an offence specified in the First Schedule to this Act, pursuant to a request for his extradition under that Law by the Government of a State specified in the Second Schedule to this Act, the case shall be submitted to the relevant authorities so that prosecution for the offence which such person is accused of, or other appropriate action may be considered.

### **Part III** **Jurisdiction for Purposes of Criminal Proceedings**

#### *Jurisdiction*

7. If any person, whether a citizen of Sri Lanka or not, does in a convention country any act, which if done in Sri Lanka, would have constituted an offence specified in the First Schedule to this Act, such person shall be guilty in Sri Lanka, of the offence constituted by the commission of that act in Sri Lanka.

#### *Jurisdiction for offences committed outside Sri Lanka*

8. (1) If a person who is a national of a convention country but not a citizen of Sri Lanka, does outside Sri Lanka and that convention country, any act which makes him guilty of an offence in that convention country and which, had he been a citizen of Sri Lanka, would have made him guilty of an offence specified in the First Schedule to this Act, he shall be guilty of the offences aforesaid, of which the act would have made him guilty, if he had been such a citizen of Sri Lanka.

(2) If a citizen of Sri Lanka does outside Sri Lanka or any convention country any act which, if such act had been committed in Sri Lanka, would have made him guilty of an offence specified in the First Schedule to this Act, he shall be guilty of an offence aforesaid, as if such act had been committed in Sri Lanka.

In this section "convention country" means any State referred to in the Second Schedule to this Act.

*Jurisdiction of the High Court*

9. (1) The High Court of Sri Lanka is hereby vested with jurisdiction to try the offences referred to in sections 7 and 8.

(2) The jurisdiction vested in the High Court by sub-section (1) shall be exercised by the High Court of Sri Lanka holden at Colombo.

First Schedule  
(Sections 4 and 5)

*List of Offences Referred to in Article I of the Convention*

- (a) An offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on December 16, 1970.
- (b) An offence within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971.
- (c) An offence within the scope of the Convention on the Prevention of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on December 14, 1973.
- (d) An offence within the scope of any Convention to which the SAARC member States concerned are parties and which obliges the parties to prosecute or grant extradition.
- (e) Murder, manslaughter, assault causing bodily harm, kidnapping, hostage taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death, or serious bodily injury to persons or serious damage to property.
- (f) An attempt or conspiracy to commit an offence described in sub-paragraphs (a) to (e), aiding, abetting or counselling the commission of such an offence, participating as an accomplice in the offences so described.

**Second Schedule  
(Section 6)**

*Member States of the South Asian Association for Regional Co-operation*

Peoples' Republic of Bangladesh  
Kingdom of Bhutan.  
Republic of India.  
Republic of Maldives.  
Kingdom of Nepal.  
Islamic Republic of Pakistan.

**6. SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT  
AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION ACT  
NO. 31 of 1996**

[Certified on 12<sup>th</sup> November, 1996]

An Act to give effect to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971; and to provide for matters connected therewith or incidental thereto.

Whereas a Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on Twenty-third day of September, Nineteen Hundred and Seventy-one, was signed at Montreal on the twenty-fourth day of February, Nineteen Hundred and Eighty-eight;

And whereas the said Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation signed at Montreal on September 23, 1971 (hereinafter referred to as "The Convention") was acceded to by the Government of Sri Lanka on the twenty-eighth day of October, Nineteen Hundred and Eighty-eight;

And whereas legal provision has been made to give effect to the Convention in Sri Lanka and it is necessary to make further legal provision to give effect to the provisions of the said Protocol in Sri Lanka.

Now therefore, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

*Short title and date of operation*

1. This Act may be cited as the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996 and shall come into operation on such date as the Minister, by Order published in the Gazette certifies as the date on which the Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on the twenty-fourth day of February, Nineteen Hundred and Eighty-eight enters into force in respect of Sri Lanka.

**Part I**

*Minister to certify convention countries*

2. The Minister may, from time to time, by Order published in the Gazette, certify the countries which are parties to the Convention. A country in respect of which an Order made under this section is in force, is hereinafter referred to as “a convention country”.

*Offence against the safety of civil aviation*

3. (1) Any person who, unlawfully and intentionally, using any device, substance or weapon –

(a) performs an act of violence against a person at an airport serving international civil aviation, whether in, or outside Sri Lanka, which causes is likely to cause, serious injury or death; or

(b) destroys or seriously damages the facilities of an airport serving international civil aviation, whether in, or outside Sri Lanka, or an aircraft not in service located thereon or disrupts the services of such airport,

being in each case an act which endangers or is likely to endanger the safety at such airport, shall be guilty of an offence under this Act and shall on conviction after trial on indictment before the High Court, be liable to imprisonment of either description for a term which may extend to fifteen years or to a fine not exceeding two hundred thousand rupees, or to both such fine and imprisonment.

*Jurisdiction of the High Court*

4. (1) The High Court of Sri Lanka is hereby vested with jurisdiction to hear, try and determine any offence under this Act.

(2) The jurisdiction vested in the High Court by sub-section (1) shall be exercised by the High Court of Sri Lanka holden at Colombo.

### *Evidence*

5. In any prosecution for an offence under this Act, a certificate under the hand of the Secretary to the Ministry of the Minister in charge of the subject of Foreign Affairs, to the effect that the airport described therein is an airport serving international civil aviation, shall be admissible in evidence without further proof and shall be *prima facie* evidence of the matters stated therein.

## Part II

### *Amendment of the Extradition Law No. 8 of 1977*

6. The Extradition Law, No. 8 of 1977, is hereby amended in the Schedule to that Law, by the insertion, immediately at the end thereof, of the following:

*"40 (a) An act of violence by the use of any device, substance, or weapon, against a person at an airport serving international civil aviation within the meaning of the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996, which causes, or is likely to cause serious injury or death, and being an act which endangers or is likely to endanger, safety of such airport.*

*(b) Destruction or serious damage to the facilities of an airport serving international civil aviation within the meaning of the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996 or aircraft not in service located thereon or the disruption or services of such airport, and being an act which endangers or is likely to endanger safety of such airport."*

### *Existing extradition arrangement deemed to provide for offences in the Schedule*

7. Where there is an extradition arrangement in force, between the Government of Sri Lanka and a convention country, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977 to include provision for extradition in respect of offences set out in the Schedule to this Act.

*Minister may treat convention as extradition arrangement between Sri Lanka and convention country in respect of offences in the Schedule*

8. Where there is no extradition arrangement in force, between the Government of Sri Lanka and a convention country, the Minister may, for the purposes of the

Extradition Law, No. 8 of 1977, by Order published in the Gazette, treat the Convention including the Protocol as an extradition arrangement made by the Government of Sri Lanka with such convention country providing for extradition in respect of the offences set out in the Schedule to this Act.

*Duty of Minister to notify requesting State of Measures taken against persons for whose extradition request is made*

9. Where a request is made to the Government of Sri Lanka by or on behalf of the Government of a convention country for the extradition of any person accused or convicted of an offence specified in the Schedule to this Act the Minister shall, on behalf of the Government of Sri Lanka, forthwith notify the Government of the requesting State of the measures which the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.

*Sinhala text to prevail in case of inconsistency*

10. In the event of any inconsistency between the Sinhala and the Tamil texts of this Act, the Sinhala text shall prevail.

#### Schedule [Sections 7 and 8]

1. An act of violence committed unlawfully and intentionally, using any device, substance or weapon, against a person at an airport serving international civil aviation, which causes, or is likely to cause, serious injury or death and which endangers, or is likely to endanger, the safety of such airport.

2. Destruction or serious damage to the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disruption of services of such airport, unlawfully and intentionally, and by the use of any device, substance or weapon and which endangers, or is likely to endanger, safety at such airport.

#### 7. SUPPRESSION OF TERRORIST BOMBINGS ACT NO. 11 of 1999

AN ACT TO GIVE EFFECT TO THE CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

WHEREAS a Convention for the suppression of terrorist bombings was adopted by the United Nations General Assembly on the Fifteenth Day of December Nineteen Hundred and Ninety Seven and opened for signature in New York on the twelfth day of January, Nineteen Hundred and Ninety-Eight:

AND WHEREAS the Government of Sri Lanka became a signatory to the aforesaid Convention on the Twelfth Day of January Nineteen Hundred and Ninety-Eight:

AND WHEREAS it is necessary for the Government of Sri Lanka to ratify the aforesaid Convention and to make legal provision to give effect to the provisions of the aforesaid Convention in Sri Lanka:

NOW THEREFORE be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

*Short title and date of operation*

1. This Act may be cited as the Suppression of Terrorist Bombings Act, No. 11 of 1999 and shall come into operation on such date as the Minister, by Order published in the Gazette, certifies as the date on which the Convention for the Suppression of Terrorist Bombings signed at New York on January 12, 1998 (hereinafter referred to as "the Convention") enters into force in respect of Sri Lanka.

*Convention States*

2. The Minister may, from time to time, by Order published in the *Gazette*, certify the States which are parties to the Convention. A state in respect of which an Order is made under this section is hereinafter referred to as "a Convention State".

*Offence of terrorist bombing*

3. (1) Any person who unlawfully and intentionally, delivers, places, discharges or detonates, an explosive or other lethal device in, into, or against, a place of public use, a state or government facility, a public transportation system or an infrastructure facility with intent to—

(a) cause death or serious bodily injury; or

(b) cause extensive destruction of such place, facility or system, where such destruction results in, or is likely to result in, major economic loss,

shall be guilty of an offence under this Act and shall on conviction after trial on indictment by the High Court, be punished with imprisonment for a term not less than fifteen years and not exceeding twenty years.

(2) Any person who—

(a) attempts to commit an offence under subsection (1);

(b) aids or abets in the commission of an offence under subsection (1);

(c) conspires with another person or a group of persons to commit an offence under subsection (1),

shall be guilty of an offence under this Act and shall on conviction, after trial on indictment by the High Court be liable to the same punishment as is prescribed for an offence under subsection (1).

In this subsection, "abet" has the same meaning as in sections 100 and 101 of the Penal Code.

(3) The High Court shall have the jurisdiction to try an offence under subsection (1) or subsection (2) committed in any place outside the territory of Sri Lanka, in any of the following cases, that is to say, where —

(a) the person alleged to have committed the offence is a citizen of Sri Lanka or is a stateless person who has his habitual residence in Sri Lanka;

(b) the offence is committed against a citizen of Sri Lanka;

(c) the offence is committed against an embassy, diplomatic or consular premises or other property, of the Government of Sri Lanka in any other country;

(d) the offence is committed with the intention of compelling the Government of Sri Lanka to do, or to refrain from doing, any act;

(e) the offence is committed on board an aircraft operated by the Government of Sri Lanka.

#### *Jurisdiction of the High Court*

4. The jurisdiction vested in the High Court to try offences under this Act shall be exercised by the High Court of Sri Lanka holden at Colombo or the High Court established by Article 154p of the Constitution for the Western Province.

#### *Rights of certain persons arrested for offences under this Act*

5. Where a person who is not a citizen of Sri Lanka is arrested for an offence under this Act, such person shall be entitled—

(a) to communicate without delay, with the appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights, or if he is a stateless person, with the nearest appropriate representative of the State in the territory of which he was habitually resident;



- (b) to be visited by a representative of that State; and
- (c) to be informed of his rights under paragraphs (a) and (b).

*Minister to notify requesting country of measures taken against persons for whose extradition request is made*

6. Where a request is made to the Government of Sri Lanka, by or on behalf of the Government of a Convention State for the extradition of any person accused or convicted of an offence specified in the Schedule to this Act, the Minister shall, on behalf of the Government of Sri Lanka, forthwith notify the Government of the requesting State of the measures which the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.

*Existing extradition arrangements with convention States deemed to provide for offences in the Schedule*

7. Where there is an extradition arrangement made by the Government of Sri Lanka with any Convention State in force on the date on which this Act comes into operation, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect of the offences specified in the Schedule to this Act.

*Minister may treat Convention as an extradition arrangement between Sri Lanka and certain Convention States, in respect of offences in the Schedule*

8. Where there is no extradition arrangement made by the Government of Sri Lanka with any Convention State, the Minister may, by Order published in the Gazette, treat the Convention, for the purposes of the Extradition Law, No. 8 of 1977, as an extradition arrangement made by the Government of Sri Lanka with that Convention State providing for extradition in respect of the offences specified in the Schedule to this Act.

*Amendment of the Extradition Law*

9. The Extradition Law No. 8 of 1977 is hereby amended in the Schedule to that Law, by the insertion immediately before Part B of that Schedule, of the following item:

“41. The unlawful and intentional delivery, placing, discharging or detonation, of any explosive or other lethal device, within the meaning of the Convention on the Suppression of Terrorist Bombings in, into, or against, a place of public use or state or government facility, a public transportation system or infrastructure facility, with intent—

- (a) to cause death or serious bodily injury;

- (b) to cause extensive destruction of such place, facility or system, where such destruction results in, or is likely to result in, major economic loss.”

*Offences under this Act deemed not to be political offences &c., for the purposes of the Extradition Law*

10. Notwithstanding anything in the Extradition Law No. 8 of 1977, an offence specified in Part B of the Schedule to that Law and the Schedule to this Act shall for the purposes of that Law, be deemed not to be an offence of a political character or an offence connected with a political offence or an offence inspired by political motives, for the purposes only of extradition of any person accused or convicted of any such offence, as between the Government of Sri Lanka and any Convention State or of affording assistance to the Convention State under section 11.

*Assistance to the Convention States*

11. The Government of Sri Lanka shall afford all such assistance to, and may through the Minister request all such assistance from, a Convention State as may be necessary for the investigation and prosecution of an offence under section 3 or of an offence specified in the Schedule to this Act, including, where there is an agreement to that effect between the Government of Sri Lanka and a Convention State, assistance relating to the taking of evidence and statements and the serving of process.

*Government to take measures to prevent offences*

12. The Government of Sri Lanka shall take appropriate measures to prevent any person or group of persons from committing or encouraging, instigating, organizing or knowingly financing the commission of, an offence under this Act or of an offence specified in the Schedule to this Act, whether in or outside Sri Lanka.

*Sinhala Text to prevail in case of inconsistency*

13. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

*Interpretation*

14. In this Act unless the context otherwise requires—

“explosive or other lethal device” means:

- (a) an explosive or incendiary weapon or device that is designed or has the capability, to cause death, serious bodily injury or substantial material damage; or

(b) a weapon or device that is designed, or has the capability to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material;

“infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications;

“place of public use” means those parts of any building, land, street, water way or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and includes any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public;

“public transportation system” means all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

“State or government facility” includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of the State or any other public authority or entity or by employees or officials of an intergovernmental organization, in connection with their official duties.

#### Schedule (Sections 6, 7, 8, and 10)

1. The unlawful and intentional delivery, placing, discharge or detonation, of an explosive or other lethal device, in, into, or against, a place of public use, a State or government facility, a public transportation system or infrastructure facility with intent—

(a) to cause death or serious bodily injury;

(b) to cause extensive destruction of such place, facility or system, where such destruction results in, or is likely to result in, major economic loss.

2. Attempting to commit an offence referred to in paragraph (1).

3. Aiding or abetting the commission of an offence referred to in paragraph (1).

4. Conspiring with another person or group of persons to commit an offence referred to in paragraph (1).