

of communications) may be suspended for certain persons in connection with investigations pertaining to the action of armed bands or terrorists.

Thus, the legislation on penal procedures provides:

Detention by the police may be extended 48 hours beyond the initial 72 hours, provided that such extension is requested in a formal, well-founded communication within the first 48 hours of detention and that it is authorized by the judge within the next 24 hours (article 520 bis of the criminal prosecution act).

Detainees may be kept incommunicado, by court order (article 520 bis).

Police authorities may detain suspected terrorists in whatever place or domicile they may be hiding or taking refuge and, in connection with the detention, they may conduct searches in those places and seize the effects and instruments they may find there which might be linked to the offence committed (article 553 of the criminal prosecution act).

Eavesdropping is allowed when ordered by the Minister of the Interior or, in his absence, by the Director of State Security. The relevant order must be immediately transmitted in writing to the competent judge, who must either revoke or confirm it within a maximum period of 72 hours, clearly stating the reasons for his decision (article 579, paragraph 4).

## **CXII. SRI LANKA<sup>117</sup>**

### **SUMMARY OF LEGISLATION OF SRI LANKA RELATED TO TERRORISM**

The United Nations Act (No. 45 of 1968) provides that if the Security Council of the United Nations, acting under Article 41 of the Charter of the United Nations, calls upon the Government of Sri Lanka to apply any measures necessary to give effect to any decision of that Council, the Minister in charge of the subject of Foreign Affairs may, by regulations, make such provisions as appear to him necessary or expedient to enable those measures to be effectively applied. These

---

<sup>117</sup> Transmitted to the Secretariat by that Government on 26 December 2001 (S/2001/1282, enclosure), on 15 July 2002 (S/2002/861, enclosure) and on 13 August 2003 (S/2003/840, enclosure). Information was also provided in respect of the Suppression of Terrorist Bombings Act No. 11 of 1999 and Prevention of Terrorism Act, No. 48 of 1979 (for texts and other texts of legislation on terrorism, see *National Laws and Regulations on the Prevention and Suppression of International Terrorism, Part I, United Nations Legislative Series ST/LEG/SER.B/22*). Information was also provided in respect of the following: the Firearms Ordinance for the regulation of the use of firearms and the Offensive Weapons Act; the Immigrants & Emigrants Act; the Exchange Control Act; the Criminal Procedure Code; and the Mutual Legal Assistance in Criminal Matters Act.

would include provision for trial, conviction and punishment of persons offending against such regulations.

Accordingly, the Minister of Foreign Affairs by Regulation dated 11 October, 2001 and published in the Government Gazette (Extra-ordinary No. 1206/14 dated 16th October, 2001), cited as the United Nations Regulation No. 1 of 2001, made provision for giving legal effect in Sri Lanka to the terms of Security Council Resolution 1373 (2001).

In terms of this Regulation, any act which is directly or indirectly connected with the collection of funds or making available of such funds (for any terrorist organization), is made an offence under the law of Sri Lanka and any such funds or other financial assets are liable to be frozen with immediate effect.

Any person who contravenes these provisions shall be guilty of an offence under the Regulation and upon conviction by the High Court holdcn in Colombo, is liable to imprisonment of either description for a period not less than 5 years and not exceeding 10 years (Clauses 6 and 7)

Upon the conviction of a person for an offence under this Regulation, any funds or other financial assets or resources of such persons shall, by reason of such conviction, be forfeited to the State (Clause 8)

The provisions of the Regulation further cast a duty upon any person who has knowledge or reasonable cause to believe that any person has committed an offence under the Regulation or is making preparations or attempting to commit an offence or has 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, to report the same to a police officer. Any person who fails to so report commits an offence thereby and shall, on conviction by the High Court be liable to imprisonment of either description for a period not less than two years and not exceeding seven years.

In addition, no person shall make available any funds, financial assets or economic resources for the benefit of any organization or person who commits, attempts to commit, participates in or facilitates the commission of any terrorist act. Any person who violates these provisions would be liable to imprisonment upon conviction by the High Court for a period not less than 5 years and not exceeding 10 years.

The Regulation also makes it an offence for any person to fail to report information in his possession with regard to the movement or whereabouts of any person who has committed or is making preparations or is attempting to commit a terrorist offence. The penalty for such failure to report is imprisonment upon conviction by the High Court for a period not less than two years and not exceeding seven years.