



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

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

[Certified on 17th December, 1988]

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of Terrorism Act, No. 70 of 1988*

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L.D.—O. 3/88

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:—

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

Short title.

PART I

AMENDMENTS TO THE EXTRADITION LAW, NO. 8 OF 1977

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

Amendments to the Schedule to the Extradition Law.

- (a) An offence within the scope of the Convention for the Suppression on 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;

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- (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.”.

Interpre-
tation.

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.

Minister
may treat
Convention
as an
extradition
arrangement
between Sri
Lanka and
certain
SAARC
States, in
respect of
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.

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.

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.

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

(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

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.

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.

Jurisdiction for offences committed outside 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 of which the act would have made him guilty had it been committed in Sri Lanka.

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of Terrorism Act. No. 70 of 1988**

Jurisdiction
of High
Court.

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

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.