

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of September 14, 2018

SUPPLEMENT

(Issued on 17. 09. 2018)



COUNTER TERRORISM

A

BILL

to make provision for the protection of Sri Lanka and the people of Sri Lanka from acts of terrorism and other offences associated with terrorism; for the prevention of terrorism and other offences associated with terrorism committed within or outside Sri Lanka; for the prevention of the use of Sri Lankan territory and its people for the preparation for terrorism outside Sri Lanka; to provide for the detection of acts of terrorism and other offences associated with terrorism; and to provide for the identification, apprehension, arrest, custody, detention, investigation, prosecution and punishment of any person who has committed an act of terrorism or any other offence associated with terrorism; for the repeal of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979; and for matters connected therewith or incidental thereto

Ordered to be published by the Minister of Foreign Affairs

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 130.00

Postage : Rs. 55.00

This Gazette Supplement can be downloaded from www.documents.gov.lk



Counter Terrorism

L.D.—O. 2/2017.

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF SRI LANKA AND THE PEOPLE OF SRI LANKA FROM ACTS OF TERRORISM AND OTHER OFFENCES ASSOCIATED WITH TERRORISM; FOR THE PREVENTION OF TERRORISM AND OTHER OFFENCES ASSOCIATED WITH TERRORISM COMMITTED WITHIN OR OUTSIDE SRI LANKA; FOR THE PREVENTION OF THE USE OF SRI LANKAN TERRITORY AND ITS PEOPLE FOR THE PREPARATION FOR TERRORISM OUTSIDE SRI LANKA; TO PROVIDE FOR THE DETECTION OF ACTS OF TERRORISM AND OTHER OFFENCES ASSOCIATED WITH TERRORISM; AND TO PROVIDE FOR THE IDENTIFICATION, APPREHENSION, ARREST, CUSTODY, DETENTION, INVESTIGATION, PROSECUTION AND PUNISHMENT OF ANY PERSON WHO HAS COMMITTED AN ACT OF TERRORISM OR ANY OTHER OFFENCE ASSOCIATED WITH TERRORISM; FOR THE REPEAL OF THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT, NO. 48 OF 1979; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS, terrorism has seriously threatened the sovereignty and territorial integrity of Sri Lanka, and has caused deaths and serious injury to the citizens of Sri Lanka, and has caused vast damage to public and private property of Sri Lanka, and has retarded national development:

Preamble.

AND WHEREAS, terrorism in its various forms and manifestations is a major threat to the peace and security of the community of nations; and, it is a foremost duty of the Government to protect Sri Lanka, its people, and property from possible future acts of terrorism and related acts:

AND WHEREAS, Sri Lanka is under obligation to enact laws to give domestic legal effect to international instruments relating to countering of terrorism to which Sri Lanka has become a signatory:

AND WHEREAS, the Government of Sri Lanka is committed to protect other sovereign nations and their people from the scourge of terrorism;

AND WHEREAS, Sri Lanka is committed and desirous of
 eradicating and preventing domestic and international
 terrorism through enforcing an effective system for the
 administration of criminal justice against terrorism, based
 5 on international norms and standards and domestic needs:

AND WHEREAS, the Government of Sri Lanka is mindful of
 the need to ensure just and fair application of the system for
 the administration of criminal justice against terrorism:

NOW THEREFOR BE it enacted by the Parliament of the
 10 Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Counter Terrorism Short title.
 Act, No. of 2018.

PART I

APPLICATION OF THE ACT AND OFFENCES

- 15 **2.** (1) The provisions of this Act shall apply to— Application
 of the Act.
- (a) any citizen of Sri Lanka, who commits an
 offence under this Act, within or outside the
 territory of the Republic of Sri Lanka;
 - (b) any person who commits an offence under
 20 this Act –
 - (i) wholly or partly, in Sri Lanka;
 - (ii) in or over territorial waters of Sri Lanka;
 - (iii) in the airspace of Sri Lanka;
 - (iv) on-board or in respect of an aircraft
 25 or vessel registered in Sri Lanka or
 belonging to or used by the
 Government of Sri Lanka;

- 5 (v) wholly or partly within the office premises of a diplomatic mission of Sri Lanka, or a consular Post or officer of Sri Lanka, or at the residence of the Head of such diplomatic mission or consular post or at the residence of any diplomatic or consular officer or any other employee of such mission or post;
- 10 (vi) wholly or partly within the office premises situated outside Sri Lanka of a statutory board of the government of Sri Lanka or within the residence of an employee of such statutory board;
- 15 (c) any person, who commits an offence under this Act, within or outside the territory of the Republic of Sri Lanka in respect of –
- (i) a citizen of Sri Lanka including a citizen deployed in an international peace-keeping or monitoring mission;
- 20 (ii) a property owned by the Government of Sri Lanka;
- 25 (d) any person who had been a citizen of Sri Lanka, and commits an offence under this Act, within or outside the territory of the Republic of Sri Lanka:
- Provided however, provisions of this Act shall be enforced in respect of such person, only if he continues to have his habitual residence in Sri Lanka:
- 30 Provided further, that if he does not have his habitual residence in Sri Lanka, provisions of this Act, may be enforced with the concurrence of the foreign State of which he is a citizen; and

- (e) any person who has his habitual residence in Sri Lanka, commits an offence under this Act, within or outside the territory of the Republic of Sri Lanka.

5 (2) The provisions of this Act shall not be enforced to identify, detect, apprehend, arrest, take custody of, detain, investigate or prosecute a person who commits any offence other than an offence within the meaning of this Act, notwithstanding the complexity, aggravated nature or
 10 seriousness of the consequences of such offence and the difficulties that may be associated with conducting investigations into such offence, in terms of the provisions of the Code of Criminal Procedure Act or other relevant written law.

15 **3.** (1) Any person, who commits any act referred to in subsection (2), with the intention of – Offence of Terrorism.

(a) intimidating a population;

(b) wrongfully or unlawfully compelling the government of Sri Lanka, or any other government,
 20 or an international organization, to do or to abstain from doing any act;

(c) preventing any such government from functioning;
 or

(d) causing harm to the territorial integrity or
 25 sovereignty of Sri Lanka or any other sovereign country,

shall be guilty of the offence of terrorism.

(2) An act referred to in subsection (1) shall be -

(a) murder, attempted murder, grievous hurt,
 30 hostage taking or abduction of any person;

- (b) endangering the life of any person other than the person committing the act;
- 5 (c) causing serious damage to property, including public or private property, any place of public use, a State or Governmental facility, any public or private transportation system or any infrastructure facility or environment;
- 10 (d) causing serious obstruction or damage to essential services or supplies;
- (e) committing the offence of robbery, extortion or theft, in respect of State or private property;
- (f) causing serious risk to the health and safety of the public or a section thereof;
- 15 (g) causing obstruction or damage to, or interference with, any electronic or automated or computerized system or network or cyber environment of domains assigned to, or websites registered with such domains
- 20 assigned to Sri Lanka;
- (h) causing obstruction or damage to, or interference with any critical infrastructure or logistic facility associated with any essential service or supply;
- 25 (i) causing destruction or damage to religious or cultural property or heritage; and
- (j) causing obstruction or damage to, or interference with any electronic, analog, digital or other wire-linked or wireless
- 30 transmission system including signal transmission and any other frequency based transmission system.

(3) Any action taken by any person in *good faith* in the lawful exercise of a fundamental right, or in pursuance of, or to give effect to a lawful order given to him, or in accordance with or to give effect to a judicial order, shall not amount to an offence under this Act.

4. (1) Any person who-

Penalty for
the offence
of terrorism.

(a) commits an offence under section 3 with the intention to cause death, and causes the death of any other person in the course of committing such offence, shall, upon conviction by the High Court be punished with life imprisonment;

(b) commits an offence under section 3 and causes the death of any other person in the course of committing such offence, of which the reasonable foreseeable consequence is the death of any other person, shall, upon conviction by the High Court be punished with imprisonment for a period which may extend to life imprisonment; or

(c) commits an offence under section 3 other than the offences referred to in paragraph (a) and (b), shall upon conviction by the High Court be liable to imprisonment of either description for a term not exceeding twenty years and to a fine not exceeding rupees one million.

(2) In addition to any other penalty imposed on such person under subsection (1) the court may order that all or any property of such person, be forfeited to the Republic.

5. (1) Any person who attempts, abets or conspires to commit, an offence under section 3, shall upon conviction by the High Court, be liable to imprisonment of either description for a term not exceeding fifteen years and to a fine not exceeding rupees one million.

Penalty for
attempt to
commit the
offence of
terrorism.

(2) If the offence of terrorism is committed consequent to the commission of an offence under subsection (1), the offender shall be punished with the same penalty as if he has committed the offence of terrorism.

- 5 **6.** Any person or a member of a group of persons acting under a common purpose or a member of a proscribed terrorist organization who commits jointly or severally - Other offences associated with terrorism.
- 10 (a) a specified terrorist act, referred to in section 7; or
- (b) an aggravated criminal act associated with terrorism referred to in section 8; or
- (c) terrorism associated acts referred to in section 9; or
- (d) the acts of abetting terrorism referred to in section 10,
- 15 with the intention of, or having the knowledge of, or having reasonable grounds to believe that such conduct has the effect of, adversely affecting the territorial integrity, national security and defence of Sri Lanka or, intimidating or terrorizing a civilian population, shall be guilty of an offence under this Act.
- 20 **7.** Acts which constitute an offence under paragraph (a) of section 6 shall be as follows:- Specified Terrorist acts.
- 25 (a) committing and attempting to commit the death, abduction, wrongful confinement, hostage taking, extortion, or criminal intimidation of any person, or any other offence under the Penal Code which shall be punished with a term of imprisonment of seven years or more;
- 30 (b) committing an offence under section 8 of the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015, with regard to a victim of an offence under this Act or a witness to the commission of an offence under this Act;

- 5 (c) committing robbery, extortion, theft or mischief or other damage to property of the State including intellectual property and State owned, controlled, or regulated critical infrastructure, automated system, digital data-base and logistical networks associated with any essential service;
- 10 (d) without lawful authority, importing, exporting, manufacturing, collecting, obtaining, supplying, trafficking, possessing or using firearms, offensive weapons, ammunition, explosives or combustible or corrosive substances or any biological, chemical, electric or electronic or nuclear weapon.

8. Acts which constitute an offence under paragraph (b) of section 6 shall be as follows:—

- 15 (a) committing—
- (i) an offence against the State, punishable under sections 114 and 116 to 126;
- (ii) an offence relating to Army, Navy and Air Force, punishable under sections 128 to 137;
- 20 (iii) the offence of human trafficking under section 360c,

of the Penal Code;

- (b) committing an offence under the Prevention of Hostage Taking Act, No. 41 of 2000;
- 25 (c) committing any offence under the Computer Crimes Act, No. 24 of 2007;
- (d) committing any offence under the Payment and Settlement Systems Act, No. 28 of 2005;
- 30 (e) committing any offence under the Foreign Exchange Act, No. 12 of 2017;

Aggravated criminal acts associated with terrorism.

- (f) committing any offence relating to the trading of listed securities within the meaning of the Securities and Exchange Commission of Sri Lanka Act, No. 36 of 1987;
- 5 (g) committing any offence under the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218);
- (h) committing any offence under the Immigrants and Emigrants Act (Chapter 351).
- 10 **9.** Acts which constitute an offence under paragraph (c) of section 6 shall be as follows:- Terrorism associated acts.
- (a) committing any act, for organizing, preparatory to, or giving effect to any plan for the commission of an offence under this Act, outside the territory of the Republic of Sri Lanka;
- 15 (b) functioning or serving as a leader, member or a cadre of a proscribed terrorist organization or recruiting persons to be a member or cadre of a proscribed terrorist organization which is proscribed under the United Nations Act, No. 45 of 1968.
- 20 **10.** Acts which constitute an offence under paragraph (d) of section 6 shall be as follows:- Acts of abetting terrorism.
- 25 (a) recruiting or enticing or encouraging persons to join a proscribed terrorist organizations or movements of which an objective is to commit an offence under this Act;
- (b) joining, becoming a member of, supporting or representing a proscribed terrorist organization for the purpose of aiding and abetting the commission of an offence under this Act;
- 30 (c) harbouring, concealing, or in any other manner, wrongfully or illegally preventing, hindering or

- interfering with the identification, arrest, custody or detention of a person knowing or having reasonable grounds to believe that such person has committed or has concerned in committing an offence under this Act;
- 5
- (d) committing robbery, extortion or theft of property, or otherwise obtaining money or any property or other material, for or on behalf of a proscribed terrorist organization or any person who is preparing to commit an offence under this Act, or to aid such other person to commit an offence under this Act;
- 10
- (e) recruiting, selecting, inciting, inducing, forceing, preaching or training, children to join a proscribed terrorist organization, or to commit an act of terrorism, or any other offence under this Act;
- 15
- (f) voluntarily contributing money, property or material to a proscribed terrorist organization or any person, knowing or having reasonable grounds to believe that such money, property or material or the value thereof may be used to commit an offence under this Act;
- 20
- (g) intentionally and unlawfully distributing or otherwise making available any information to the public, having intent to incite the commission of the offence of terrorism or other offence under this Act, and to cause the fear of such offence being committed, notwithstanding that such conduct does not expressly advocate such offence;
- 25
- (h) voluntarily and willfully providing services to a proscribed terrorist organization for the purpose of the commission of an offence under this Act;
- 30

- 5 (i) voluntarily engaging in any illegal or unauthorized act for the purpose of gathering any confidential information, having the intention of supplying such information to a person who commits an offence under this Act;
- (j) voluntarily and illegally or in an unauthorized manner, gathering confidential information, for the purpose of supplying such information to a person who commits an offence under this Act;
- 10 (k) voluntarily and illegally or unlawfully or in an unauthorized manner, gathering confidential information, for the purpose of supplying such information to a person who is conspiring, preparing, abetting, or attempting to commit an offence under this Act;
- 15
- (l) providing to any other person any confidential information, knowing or having reasonable grounds to believe that such information will be used by such other person to conspire, abet, attempt or commit an offence under this Act:
- 20
- 25 Provided however, nothing published in *good faith* with due diligence for the benefit of the public or in national interest in registered print and electronic media, or in any academic publication, shall be deemed to be an offence under this section;
- (m) providing any gratification, inducement, threat, force or any other form of influence to any other person for the purpose of encouraging, compelling or inciting such other person to commit an offence under paragraphs (h), (i) or (j), or providing a gratification in consideration of such other person having committed an offence in terms of paragraphs (h), (i) or (j).
- 30

- 11.** Any person who-
- Penalty for offence under section 6.
- (a) commits an offence under section 6 with the intention to cause death, and causes the death of any other person in the course of committing such offence shall, upon conviction by the High Court be punished with life imprisonment; or
- (b) commits an offence under section 6 and causes the death of any other person in the course of committing such offence of which the reasonable foreseeable consequence is the death of any other person shall, upon conviction by the High Court be punished with imprisonment for a period which may extend to life imprisonment and be liable to a fine not exceeding rupees one million; or
- (c) commits an offence under section 6 other than an offence referred to in paragraph (a) or (b) shall upon conviction by the High Court be punished with imprisonment of either description, for a term not exceeding fifteen years and be liable to a fine not exceeding rupees one million.
- 12.** Any person who attempts, abets or conspires to commit an offence under section 6, shall upon conviction by the High Court be punished with relevant punishment provided for in section 11.
- Penalty for attempting, etc. for an offence under section 6.
- 13.** Any person who-
- Failure to provide information to be an offence.
- (a) knowing or having reasons to believe that any other person-
- (i) has committed an offence under this Act; or

- (ii) is making preparation, attempting, abetting or conspiring to commit an offence under this Act,

5 fails to report to the officer in charge of the nearest police station; or

- 10 (b) having in his possession any information relating to the whereabouts of any person of whom he knows that has committed an offence of terrorism or an offence associated with terrorism, fails to provide such information or provides false or misleading information, to a police officer who questions him,

15 shall be guilty of an offence under this Act and upon conviction by the High Court be liable to imprisonment of either description for a term not exceeding three years and to a fine not exceeding rupees five hundred thousand.

14. Any person who –

- 20 (a) violates or acts in contravention of a lawful directive or order made in terms of this Act; or
- (b) willfully fails or neglects to comply with a direction issued in terms of this Act; or
- 25 (c) fails to provide information or provides false or misleading information in response to a question put to him by a police officer conducting an investigation under this Act; or
- 30 (d) willfully prevents or hinders the implementation of a lawful order or directive issued under this Act; or

Disobeying
lawful orders
to be an
offence.

- (e) prevents or obstructs enforcement of provisions of this Act,

commits an offence, and shall be liable to a term of imprisonment not exceeding two years and to a fine not exceeding rupees five hundred thousand.

- 15.** Any offence under this Act shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure Act and shall be investigated, prosecuted and punished in terms of the provisions of this Act and other applicable laws.

Offences to be cognizable.

PART II

INVESTIGATION OF OFFENCES

- 16.** An officer in charge of a Police Station or any other police officer authorized by an officer in charge of a police station, shall be entitled to commence and conduct investigation, of an offence under this Act or an act preparatory to the commission of an offence under this Act:

Who may conduct investigations.

- Provided however, where any person commits an offence under this Act in the presence of a police officer, or a person suspected of having committed an offence is arrested in the immediate aftermath of committing an offence, it shall be lawful for any police officer to arrest such person to question and commence the investigation:

- Provided further, such police officer shall forthwith inform the officer in charge of the relevant police station, of the commencement of such investigation, and conduct the investigation subject to his instructions.

- 17.** Any police officer, an officer or member of the armed forces or a coast guard officer, may arrest without a warrant, any person-

Arrest by a police officer and other officers.

- (a) who commits in his presence, or whom he has reasonable grounds to believe, has committed, an offence under this Act; or

- (b) who has been concerned in committing an offence under this Act; or
- (c) in respect of whom he receives information or a complaint which he believes to be reliable that a person has committed or concerned in committing an offence under this Act; or
- (d) who is fleeing from Sri Lanka with the intention of evading arrest or is evading arrest after committing an offence under this Act; or
- (e) who is violating the conditions of bail, subject to which such person has been released, being a suspect for the commission of an offence under this Act.

18. (1) A person arrested by an officer other than a police officer, shall be produced before the officer in charge of the nearest police station or of a police officer designated from time to time, in that behalf by the Inspector General of Police, without unnecessary delay, and in any event within a period not exceeding twenty four hours:

Procedure when arrest is carried out by an officer other than a police officer.

Provided however, where such person has been arrested outside the territory of the Republic of Sri Lanka or on board of any aircraft or vessel, the period of time necessary for the journey from place of arrest to the relevant police station, shall be excluded in calculating such twenty-four hours period:

Provided further, if producing the person being arrested in terms of the preceding provisions of this subsection to the officer in charge of the nearest police station is not practicable due to reasons beyond the control of the person who carried out the arrest, the custody of such person shall be given to the officer in charge of any police station.

(2) The officer who carried out the arrest shall as soon as practicable, notify the arrest to a commissioned officer or any other officer of a higher rank, who has been authorized to receive such information.

(3) Subject to the provisions of sections 22 and 23, a person so arrested may be questioned and further searched by the commissioned officer or the other officer referred to in subsection (2) where it is necessary to protect the life of
 5 any person, to prevent any act of terrorism or to preserve evidence relating to an offence committed under this Act.

(4) Such Commissioned officer or other officer shall forthwith inform of such arrest to the officer in charge of the nearest police station or to a police officer designated by the
 10 Inspector General of Police in that behalf.

(5) At the time of taking the person so arrested into the custody of the officer in charge of the police station as provided for in this section, the officer who carried out the arrest, shall make a statement to such officer in charge, setting out the
 15 circumstances relating to the arrest carried out by him.

(6) Such officer shall also handover to such officer in charge, all items that may have been found in the possession of the suspect, or found from the place of arrest.

19. (1) (a) Any person arrested by a police officer, shall
 20 without unnecessary delay, be produced before the officer in charge of the police station to which such police officer is attached to.

Procedure when arrest is carried out by a police officer.

(b) Where such production is not practicable, the person arrested shall be produced before the officer in charge of the
 25 nearest police station.

(2) It shall be lawful for a police officer to obtain the assistance of a member of the armed forces or a coast guard officer to carry out an arrest in terms of this Act, or to obtain such assistance to take the arrested person to a police station.

(3) Every practicable measure shall be taken to protect
 30 an arrested person from any physical harm.

20. (1) Where there is reasonable grounds to arrest any person under section 18 or section 19, a police officer, a

Power to stop and search.

member of any armed force or a coast guard officer
(hereinafter in this Part referred to as the “arresting officer”)
may—

- 5 (a) stop and search any person, vehicle, vessel, train or
 aircraft;
- (b) question any person;
- (c) enter and search any premises or land; and
- 10 (d) take into custody any document, thing or
 article, used, derived out of, connected with or,
 concerned in committing or, reasonably suspected
 of being used, derived out of, connected with, or
 concerned in committing an offence under this Act.

 (2) The exercise of the powers under this section shall be
 notified to relevant parties in terms of the provisions of
15 section 25.

 (3) Any such document, thing or article so taken into
 custody, shall as soon as practicable be produced before the
 officer in charge of the police station to which the relevant
 police officer is attached, or be produced before the officer
20 in charge of the nearest police station.

 (4) The officer in charge of the police station referred to
 in subsection (3) shall produce a report in that regard to the
 Magistrate before whom the relevant suspect be produced
 who shall make an appropriate order with regard to the
25 possession or release of the documents, things or articles so
 taken into custody.

21. (1) The arresting officer shall inform the person being arrested, (hereinafter in this part referred to as the “suspect”) at the time of the arrest—

Information
to be
provided at
the time of
arrest.

- 30 (a) the identity of the arresting officer;

(b) the offence alleged to have been committed by the suspect;

(c) the right of access of the person to an Attorney-at-Law as provided for in written law.

5 (2) Every reasonable measure shall be taken to convey such information in Sinhala, Tamil or English languages, whichever language understood by the suspect.

(3) Where it is not practicable to convey the information to the suspect as specified in subsection (1) at the time of
10 arrest, such information shall be conveyed in a language understood by him, as soon as practicable.

22. Every arrest shall be carried out, with due regard to the privacy of the person being arrested. Every possible measure shall be taken to ensure that the arrest of a female
15 suspect is carried out by a female arresting officer, or in the presence of a female officer. Arrest to be carried out with due regard to privacy.

23. (1) Every possible measure shall be taken to ensure that the questioning of any female is carried out by a female arresting officer or in the presence of a female officer. Searching and questioning of females.

20 (2) The search of a female, shall necessarily be conducted by a female officer.

24. (1) The officer in charge of the police station in which the suspect is detained or a police officer authorized by such officer in charge, shall examine such suspect, to see
25 whether he has any injury that may be visible. Medical examination of the suspect.

(2) If the suspect has any injury that may be visible, the officer in charge of the police station shall cause such person, to be examined by a judicial medical officer or by a government forensic medical specialist and obtain a report.

30 (3) Unless there is reason for medical treatment, the judicial medical officer or the government forensic medical specialist shall return the suspect to police custody, without any delay.

25. (1) Any arresting officer who arrests a suspect in terms of the provisions of this Act, shall, if the *next of kin* or an adult member of the family of the suspect is present at the time of arrest, issue to such person, as soon as practicable and not later than twenty four hours from the arrest, an acknowledgement of the arrest and custody pertaining to such suspect, in the format set out in the First Schedule to this Act. Notification of the arrest.

(2) Such acknowledgement shall include—

- 10 (a) the date, time and place of arrest;
- (b) reasons for the arrest;
- (c) the location of custody or detention;
- (d) the name, identification number and rank of the arresting officer; and
- 15 (e) any other information as may be necessary for the *next of kin* of the suspect, to have reasonable access to him, without prejudice to the conduct of investigations.

(3) If such a person is not present, the arresting officer shall inquire from the suspect, the identity and whereabouts of a person to whom the acknowledgement referred to in subsection (1) shall be served, and if the suspect provides such information, every possible step shall be taken to serve the acknowledgement on such person. A copy of the said acknowledgement shall be served on the suspect.

(4) The officer in charge of the police station wherein the suspect is detained shall, as soon as practicable, and in any event not later than twenty four hours of the arrest, notify the Human Rights Commission of such arrest and detention, substantially in the format set out in the Second schedule to this Act, and notify the Inspector General of Police or his authorized representative, substantially in the format set out in the Third Schedule to this Act.

(5) Such notification shall include—

- (a) the date, time and place of arrest;
- (b) reasons for the arrest;
- 5 (c) the location at which the suspect is being held in detention;
- (d) the name, identification number and rank of the arresting officer;
- 10 (e) any other information that would enable the Human Rights Commission to have prompt access to the suspect; and
- 15 (f) any other information the Human Rights Commission may call for, in order to determine whether such arrest and detention has infringed the fundamental rights of the relevant person.

26. (1) The Inspector General of Police shall establish and maintain a Central Data Base and Register, which contains information with regard to each arrest, detention, remanding, grant of bail, discharge, prosecution, conviction or acquittal and punishment of persons arrested under this Act.

Central
Data-Base
and Register.

(2) Such Data Base and Register shall also include such other information required to determine the—

- (a) lawfulness of the arrest, custody and detention;
- 25 (b) lawfulness of the deprivation of liberty of the suspect; and
- (c) the need for continued detention or remand.

(3) The Inspector General of Police shall provide information included in such Data Base and Register, to the Human Rights Commission, wherever the Human Rights Commission so requests.

5 (4) The information received under subsection (3), shall be used only for the purposes of giving effect to the objectives of the Human Rights Commission.

(5) It shall be the duty of the Human Rights Commission to ensure that no person shall use the information received
10 under subsection (3) in such manner that may be prejudicial to the on-going investigations.

27. (1) A suspect who has been arrested and detained by a police officer in terms of this Act, shall be produced before any Magistrate not later than forty eight hours
15 following the arrest: Production before a Magistrate.

Provided however, where the arrest has been carried out, outside the territory of the Republic of Sri Lanka or on board any aircraft or vessel, the period of time necessary for the journey from place of arrest to the relevant Magistrate shall
20 be excluded in calculating such forty eight hours.

(2) Where, by the time the suspect is produced before a Magistrate—

(a) a valid Detention Order has been issued in terms of section 31, and is placed before the Magistrate for
25 his inspection, the Magistrate shall make an order to give effect to such Detention Order; or

(b) a Detention Order has not been issued or such a Detention Order has not been placed before the Magistrate, the Magistrate shall—

30 (i) if the officer in charge of the relevant police station makes an application seeking an order

to remand the suspect, based on grounds that the Magistrate deems reasonable in the circumstances, order that the suspect be placed in remand custody; or

- 5 (ii) if the officer in charge of the relevant police station requests or has no objection to bail being granted, release the suspect on bail under the provisions of Bail Act, No.30 of 1997, upon conditions to be stipulated by
10 such Magistrate, excluding personal bail; or

- (iii) discharge the suspect, if the officer in charge of the relevant police station so requests.

(3) The Magistrate before whom the suspect is produced, shall—

- 15 (a) personally see the suspect, and look into his well-being and welfare through a private interview; and

(b) record any comment the suspect may provide.

(4) For the purpose of this section “private interview” means proceedings, either in open court or in Magistrate’s
20 chamber in the absence of any police officer who may have participated in the arrest, or who has investigated into the offence, alleged to have been committed by the suspect.

28. (1) Where the Magistrate is of the opinion, that the suspect may have been subjected to torture, after taking into
25 account any complaint made by the suspect and any representation made by the arresting officer or officer in charge of the relevant police station, in defence thereto, the Magistrate may direct that the suspect be produced before a government forensic medical specialist, for medical
30 examination, and a report be submitted by such medical specialist to the Magistrate.

Magistrate to direct the suspect to a forensic medical examination.

(2) Where the report of the government forensic medical specialist reveals that there is a probability of the suspect have been subjected to torture, the Magistrate shall, after giving an opportunity to the suspect and the arresting officer or officer in charge of the police station to be heard,—

(a) direct the suspect for necessary treatment; and

(b) order that the suspect be placed in remand.

(3) Where the Magistrate orders that the suspect be placed in remand, police officers who previously had access to the suspect shall not have access to the suspect.

(4) The investigation in respect of such suspect shall be continued by such other police officers as directed by the Inspector General of Police.

(5) The Magistrate shall also direct the Inspector General of Police to commence an investigation into the alleged torture to enable the Attorney General to institute criminal proceedings against the person who committed the alleged torture.

29. Subject to the provisions of section 30, no person in remand shall be released by a Magistrate on bail, except under the authority of an Order made by a Judge of the High Court, on exceptional grounds.

Grant of bail by the High Court on exceptional grounds.

30. (1) No person shall be held in remand for a period exceeding six months from the date of his arrest without instituting criminal proceedings:

Maximum period of remand.

Provided however, the period of remand may be extended on an order of a Judge of the High Court, on an application made by the Attorney General:

Provided further, the maximum cumulative period of extension, shall not exceed six months.

(2) If criminal proceedings are not instituted within the period referred to in subsection (1), the Magistrate shall release the suspect on bail, on conditions to be stipulated by the Magistrate.

5 **31.** (1) (a) An officer in charge of a police station who seeks a detention order to detain a suspect for any purpose specified in subsection (2), may make an application to a Deputy Inspector General of Police, with the recommendation of the officer in charge of the relevant police division. Detention Orders.

10 (b) If such Deputy Inspector General of Police is satisfied of the existence of reasonable grounds to believe that the suspect has committed or has concerned in committing an offence under this Act, he may issue a Detention Order substantially in the format specified in the Fourth Schedule
15 to this Act, authorizing the detention of the suspect in an approved place of detention under approved conditions of detention.

(c) No detention order shall be issued for a period exceeding two weeks, at a time.

20 (2) A Detention Order under subsection (1), shall include reasons for the issuance thereof, and shall be issued solely for following purposes, where it is necessary:—

(a) facilitating the conduct of the investigations in respect of the suspect;

25 (b) obtaining material for investigations and potential evidence relating to the commission of an offence under this Act;

(c) questioning the suspect in detention; and

30 (d) preserving evidence pertaining to the commission of an offence under this Act, for such reasons to be recorded in the Detention Order.

(3) Where a Detention Order under this section has been issued at the time when the relevant suspect is produced before a Magistrate under section 27, a certified copy of such Detention Order shall be placed before the Magistrate
5 for inspection.

(4) A copy of every Detention Order under this section shall be served on the suspect being detained and the acknowledgement by the suspect shall be obtained and filed in the relevant Magistrate Court.

10 (5) A copy of the Detention Order shall be served on the *next of kin* or an adult family member of the suspect and the provisions of section 25, shall *mutatis mutandis*, apply to the manner of serving such copy.

(6) The Minister shall, on the recommendation of the
15 Inspector General of Police, by Order published in the *Gazette*, specify such number of places as “approved places of detention” for the purpose of this section.

(7) The Minister shall, in consultation with the Inspector General of Police and the Human rights Commission of Sri
20 Lanka, specify by Order published in the *Gazette*, such conditions of detention as “approved conditions of detention” for the purpose of this section.

32. (1) A Magistrate before whom a suspect has been produced and detained under the authority of a Detention
25 Order shall, without giving any advance notice to the authority in charge of such place of detention- Visit to place of detention by Magistrate.

(a) visit the place of detention of such suspect; and

(b) interview the suspect and look into his well-being.

(2) It shall be the duty of the authority in charge of any
30 place of detention to provide prompt and unimpeded access to the Magistrate.

(3) If the Magistrate observes that the suspect may have been subjected to torture or the suspect alleges that he was tortured, the Magistrate shall make order, for the suspect to be produced for examination by a government forensic medical specialist, and to submit the report to him.

(4) After giving the suspect and the relevant police officer or officers an opportunity to be heard, if the Magistrate is satisfied that there is reasonable grounds to believe that the suspect may have been tortured, he shall act in terms of subsections (2), (3), (4) and (5) of section 28.

33. (1) The officer in charge of the police station wherein a suspect is detained shall notify the Human Rights Commission of Sri Lanka of such detention, as soon as practicable but in any event not later than seventy two hours from the commencement of detention.

Notification of detention to the Human Rights Commission.

(2) A copy of the Detention Order shall be served on the Human Rights Commission, as soon as practicable.

34. An authorized officer of the Human Rights Commission, shall be entitled, without giving any advance notice to-

Human Rights Commission to visit an approved place of detention.

(a) enter and examine any approved place of detention;

(b) call for and inspect detention registers, Detention Orders and other books and documents required to be maintained at such place; and

(c) interview persons being detained at such place:

Provided however, officer of the Human Rights Commission shall not be entitled to examine notes of investigations and recorded statements of witnesses or, of other persons.

35. Any Magistrate shall be entitled, without advance notice, to enter an approved place of detention, inspect such place of detention, registers, Detention Orders and other books and documents required to be maintained at such place, and interview persons being detained at such place.

Magistrates entitled to visit any place of detention.

36. (1) Where it is necessary to detain a suspect in terms of a Detention Order made under section 31 beyond a period of two weeks, the officer in charge of the relevant police station shall file a confidential report in the Magistrate Court citing-

Detention beyond two weeks only with approval of a Magistrate.

(a) the allegation against the suspect;

(b) the findings of investigation; and

(c) reasons which require further detention,

and obtain the approval of the Magistrate for such continued detention.

(2) The Magistrate shall ensure the confidentiality of the report so filed.

(3) The suspect or his Attorney-at-Law shall be entitled to obtain such information that may be necessary to object to the extension of the period of detention.

(4) The submissions of the police officer seeking extension of the period of detention and the objections raised by the suspect or his Attorney-at-Law for such extension, shall be recorded by the Magistrate.

(5) The Magistrate may order the extension of the period of detention or refuse such extension, giving reasons therefor.

(6) (a) Where the Magistrate refuses to grant the extension of the Detention Order he shall inquire whether there exists any justifiable reason to remand the suspect.

(b) After the inquiry, if the Magistrate is of the opinion that there exists any reasonable ground to believe that the suspect has committed an offence under this Act, the suspect shall be placed in remand custody.

5 (c) Where there is no reasons to believe that the suspect has committed an offence under this Act, he shall be released from detention.

(7) The proceedings under this section shall be held *in-camera*.

10 **37.** No suspect shall be detained for a period exceeding eight weeks under Detention Orders made under section 31. Maximum period of detention under Detention Orders.

38. (1) The police officer or the suspect may make an appeal against any grant or refusal of extension of a Detention Order under section 36, to the relevant Magistrate Court. Appeal against the extension or refusal to extend detention.

15 (2) The Magistrate shall immediately refer such appeal to the High Court having Jurisdiction over the area in which the relevant Magistrate Court is situated, in a confidential cover along with the confidential report filed by the police officer and the record of the proceedings.

20 (3) It shall be the duty of such High Court to dispose of any such appeal within three weeks from the date of filing such appeal, giving opportunities to the police, the Attorney General and the Attorney-at-Law representing the suspect, of being heard.

25 (4) The High Court may -

(a) affirm the order made by the Magistrate; or

(b) revise the order of the Magistrate by-

(i) granting the extension of Detention Order;
or

(ii) placing the suspect in remand.

39. (1) During the pendency of a Detention Order, the suspect shall be produced before a Magistrate once in every fourteen days.

Suspect to be produced before a Magistrate.

5 (2) The Magistrate shall comply with the provisions of section 27 upon the suspect being produced before the Magistrate.

(3) Upon completion of the period of detention under a Detention Order, the suspect shall be produced before a
10 Magistrate.

(4) Where upon such production the officer in charge of the relevant police station or any other police officer authorized by him informs the Magistrate that-

15 (a) there exists a well-founded grounds to believe that the suspect has committed an offence under this Act and that further investigations are being conducted; or

20 (b) the investigations have been completed and that the Attorney General has been, or is to be requested to consider the institution of criminal proceedings against the suspect,

the Magistrate shall direct that the suspect be detained in remand custody.

25 **40.** A police officer conducting an investigation under this Act, shall be entitled , unless the Magistrate otherwise orders to-

Police officer to have access to suspect in remand.

(a) have access to a suspect placed in remand custody in terms of this Act, and interview the suspect;

- (b) record his statements, with the permission given by the Magistrate on an application made to such Magistrate in that behalf;
- 5 (c) take the suspect out of the remand for the purpose of conducting further investigations under the authority of an order made by a Magistrate:

Provided however, an officer of the Prisons Department shall be present at every instance referred to above.

- 10 **41.** (1) There shall be established a Board of Review for granting administrative relief for appeals against Detention Orders made under section 31. Board of Review for Administrative relief from Detention Orders.

(2) The Board of Review shall consist of-

- 15 (a) the Secretary to the Ministry of the Minister who shall be the Chairperson of the Board; and
- (b) two other persons appointed by the Minister, of whom each person has gained professional eminence and experience in the fields of-
 - 20 (i) criminal investigation and criminal justice; and
 - (ii) human rights.

(3) Any suspect or an Attorney-at-Law on his behalf, who is aggrieved by the decision taken to arrest and detain him under a Detention Order made under section 31, may
25 appeal to the Board of Review, to review such Order.

(4) The Board of Review shall, consider the appeal, taking into account the grounds stated in the appeal and the reasons for requesting such Order based on the submissions made by the officer in charge of the relevant police station with the

assistance of the officer who requested for the Detention Order, and the Deputy Inspector General of Police who issued the Detention Order and make a ruling on such Order.

(5) Such ruling may contain directions-

- 5 (a) to continuously detain the appellant suspect;
or
- (b) to terminate the detention of the suspect and
to produce the suspect before a Magistrate
and to request that the suspect be placed in
10 remand; or
- (c) to produce the suspect before a Magistrate,
so that bail be granted to the suspect.

(6) Such ruling shall be made within two weeks of the appeal and shall contain reasons therefor, and be
15 communicated to the appellant and to the Deputy Inspector General of Police who had issued the Detention Order and to the officer who had requested the Detention Order.

42. (1) Where the officer in charge of a police station receives information which he believes to be true, that a
20 person remanded under this Act— Detention during remand.

- (a) is committing an offence under this Act;
- (b) is making preparations or attempting to commit an offence under this Act;
- (c) is attempting to escape from remand custody; or
- 25 (d) had committed an offence under this Act prior to being arrested and such officer in charge was unaware of such fact, he shall report such information to the relevant Magistrate.

(2) The Magistrate shall immediately inquire into such information and at the conclusion of the inquiry, if the Magistrate is satisfied that, the officer in charge of the police station had acted in *good faith* and the allegation against the suspect made by the police, appears to be well founded, and where the Magistrate deems it expedient to keep the suspect under detention, he may on the production of a Detention Order issued under this Act, permit the officer in charge of the police station to-

- (a) take custody of the suspect;
- (b) remove the suspect from remand; and
- (c) have such suspect detained in terms of such Detention Order.

(3) The detention of a suspect under this section shall-

- (a) be for a period specified by the Magistrate;
- (b) be subject to the provisions of this Act applicable for a suspect detained under this Act; and
- (c) be reviewed by the Magistrate in every fourteen days.

(4) The transfer of the suspect from remand custody to detention, shall be notified to the Human Rights Commission.

43. (1) A suspect arrested under this Act, shall only be released from remand custody or detention, after production before a Magistrate and subject to any condition that the Magistrate may impose.

Release from remand custody and detention.

(2) The release of the suspect shall be notified to the Human Rights Commission by the officer in charge of the relevant police station, giving adequate time as may be necessary for the Human Rights Commission to send an officer authorized in writing, to be present when the release takes place.

- 44.** An Attorney-at-Law representing a suspect under this Act, shall have the right to access to such person in police custody, and to make representations, as provided for in written law. Right of an Attorney-at-Law to represent a suspect.
- 5 **45.** The provisions of section 115, 116 and 120 of the Code of Criminal Procedure Act shall have no application in relation to a suspect under this Act. Certain sections of the Code of Criminal Procedure Act not to apply.
- 46.** Subject to the Provisions of this Act and section 45, the provisions of the Code of Criminal Procedure Act, shall, *mutatis mutandis*, apply to any legal proceeding under this Act. Application of the Code of Criminal Procedure Act.
- 15 **47.** Notwithstanding the provisions of section 9 of the Code of Criminal Procedure Act, the investigation and proceedings in respect of a suspect under this Act who had previously been produced before a Magistrate, shall be held in the Magistrate Court in which such Magistrate was presiding at the time the suspect was so produced before such Magistrate. Proceedings before Magistrate Court.
- 20 **48.** (1) The place of detention or remand of the suspect, detained or remanded under the provisions of this Act, shall be provided with the requirements necessary for humane treatment, and such place of detention shall be accessible to the family members of the suspect, in detention or remand, and to his Attorney-at-Law with the prior permission obtained from the officer in charge of such place of detention or prison. Suspect to be treated humanely.
- 25
- (2) Where it appears to the Human Rights Commission or the Magistrate, at an inspection of the place of detention or remand under the provisions of this Act that the place of detention or remand, does not confirm to the requirements referred to in subsection (1), such fact shall be informed -
- 30
- (a) to the Inspector General of Police in cases of detention; or

(b) to the Superintendent of the Prisons in cases of remand.

(3) It shall be the duty of the Inspector General of Police or the Superintendent of the Prisons, to take steps to the greatest extent possible, to provide whatever necessary for humane treatment.

(4) The officer in charge of the police station or the place of detention wherein a suspect is kept in custody shall, where the suspect is –

10 (a) detained for a period exceeding one month; or

(b) placed in remand, pending commencement of the trial; or

(c) placed in remand, pending conclusion of the trial,

15 issue a notification to the suspect and to the Human Rights Commission, containing following information:–

(i) the grounds on which, the extension of the period of detention or remand was ordered;

20 (ii) in situations where the suspect is being detained, without prejudice to the on-going investigations, information needed for the investigations to be conducted diligently and expeditiously; and

25 (iii) in situations where the suspect is being held in remand custody, reasons as to why institution of criminal proceedings cannot be taken place immediately, or the trial cannot be commenced immediately or the trial cannot be concluded expeditiously, as the case may be.

PART III

POWERS AND DUTIES OF CERTAIN OFFICERS UNDER THIS ACT

5 **49.** For the purpose of conducting investigations into offences under this Act and offences under any other written law that may have been committed in the course of the same transaction, or to prevent the commission of any such offence, police officers shall be vested with the powers specified in this Part in addition to any power conferred on them by the Police Ordinance or Code of Criminal Procedure Act or any
10 other relevant written law, to the extent that may be necessary for investigating and preventing offences under this Act.

Powers of
Police
officers
under this
Act.

15 **50.** (1) It shall be the duty of every police officer and any member of an armed force and a coast guard officer to take necessary measures subject to the provisions of this Act, to prevent the commission of an offence under this Act.

Duty of
certain
officers to
prevent the
commission
of offences
under this
Act.

(2) For the purpose of subsection (1), any such officer may take such measures-

- (a) in *good-faith*;
- 20 (b) proportionate to the harm that may be inflicted by the commission of the offence alleged to have been committed;
- (c) only where all other means of achieving the objectives of this Act have proved ineffective; and
- 25 (d) only to the extent such measures may be necessary, to prevent the commission of an offence under this Act or for the purpose of apprehending persons who have committed offences under this Act.

(3) Any such officer shall not use Lethal force except in the exercise of private defence within the meaning of the
30 Penal Code.

51. (1) The Inspector General of Police shall name and establish a Specialized Counter Terrorism Agency of the Sri Lanka Police, which shall be assigned with the responsibility of preventing and countering terrorism, and investigating the commission of any offence under this Act (hereinafter referred to as the “Specialized Agency”).

Specialized
Counter
Terrorism
Agency of
the Sri Lanka
Police.

(2) Notwithstanding the provisions of subsection (1), the Inspector General of Police shall be entitled to assign any investigation or any partly conducted investigation, into the commission of an offence under this Act, to any other division or unit or to any police station, of the Sri Lanka Police.

(3) It shall be the duty of the Specialized Agency, *inter-alia* to—

- (a) maintain the central database;
- (b) maintain statistics relating to the commission of offences under this Act;
- (c) conduct investigations to arrest, prosecute, discharge and punish persons who commit offences under this Act;
- (d) assess threat situations posed by terrorism, and issue warnings to the general public; and
- (e) conduct research into terrorism, develop investigation techniques and strategies, best practices and standards.

52. (1) Where any offence under this Act is committed or upon receipt of an information of the commission of, or preparation to commit an offence under this Act, the Inspector General of Police may appoint a special team of investigators

Appointment
of special
teams of
Investigators.

(hereinafter referred to as the “Investigation Team”) comprising of the following persons, to investigate into such offence, or to take necessary measures to prevent the same:–

- 5 (a) a Police officer designated by name and rank who shall be the Head of the Investigation Team;
- (b) such number of other police officers designated by name and rank who shall be the criminal investigators;
- (c) such number of legal experts;
- 10 (d) such number of crime inspection officers;
- (e) such number of forensic medical specialists;
- (f) such number of forensic psychologists;
- 15 (g) such number of forensic scientists, including scientists in serology, genetics, ballistics, explosives and chemicals;
- (h) such number of finger print experts;
- (i) such number of experts in handwriting and suspected documents;
- 20 (j) such number of computer and automated network experts;
- (k) such number of forensic auditors;
- (l) such number of experts in analogy, digital technology and mobile and satellite communication technology;
- 25 (m) such number of photographers and videographers; and

(n) such number of other experts, that the Inspector General of Police may deem necessary.

(2) (a) The Inspector General of Police shall designate a police station to the Investigation Team constituted under subsection (1).

(b) The officer in charge of such police station shall, in addition to performing the general duties and functions assigned to such office under this Act and other written law, assist the Investigation Team.

(3) The members of the Investigation Team who are not police officers shall be deemed to be Peace Officers for the purpose of performing the functions assigned to such Investigation Team.

53. (1) A police officer not below the rank of a Deputy Inspector General of Police who is a member of an Investigation Team may with the concurrence of relevant authorities constitute support teams comprising of members of any armed force, doctors and other health care workers, emergency relief service providers, public servants and other necessary persons, to attend the following duties at any scene of crime where an offence under this Act has been committed—

Constitution
of support
teams.

(a) to rescue and evacuate victims of any offence and other persons from the scene of crime;

(b) to provide emergency medical treatments;

(c) to recover dead bodies;

(d) to douse fires;

(e) to deactivate explosives and other lethal and dangerous substances;

- (f) to carryout controlled explosions, in order to deactivate lethal and dangerous substances;
- (g) to remove debris;
- (h) to create access routes; and
- 5 (i) to provide other emergency, humanitarian and security requirements and services.

(2) It shall be the duty of every person whose assistance has been sought under subsection (1), to provide such assistance, as may be required.

- 10 (3) The Inspector General of Police shall take necessary measures to make necessary payments to such persons for the services provided.

- 15 **54.** (1) For the purposes of this Act, a police officer not below the rank of a Sub-Inspector of police who has been authorized by an officer in charge of a police station to conduct an investigation in terms of this Act, shall be empowered to require any person to—

Powers to facilitate investigations.

- (a) be present for an interview;
- (b) answer questions put to him;
- 20 (c) provide information;
- (d) give statements;
- (e) give statements on affidavit or oath:

Provided that, a statement on affidavit or oath shall only be obtained on an Order of a Magistrate;

- 25 (f) tender any document or thing that may be in the possession or control of such person;

- (g) assist in conducting of an investigation;
- (h) where the person is suspected for committing an offence under this Act, make himself available for a physical examination having due regard to gender sensitivity and privacy of the person;
- (i) make himself available for taking of photographs, video recording and taking finger, palm or foot prints where the person is suspected for committing an offence under this Act.

10 (2) No person shall be bound to make a statement or produce an affidavit implicating or incriminating himself in the commission of an offence.

(3) Any person who is to be interviewed and whose statement is to be recorded, shall—

- 15 (a) if he so wishes, be entitled to have access to, or communicate with, an Attorney-at-Law of his choice and obtain legal advice prior to such interview; and
- 20 (b) be interviewed and the statement be recorded in a language understood by such person, and the services of an interpreter be obtained where necessary:

25 Provided that, where the services of an interpreter is obtained, the interview shall be recorded with its translation, and be transcribed, and preserved, for future verification.

(4) A police officer acting under the provisions of this section shall inform the person prior to being interviewed, of his rights under this Act.

(5) Wherever possible, the interview shall be audio-visually recorded.

- 5 **55.** Where the person in charge of any vehicle, vessel, train or aircraft disobeys any order given by a police officer or any other person acting on his demand for halting any such vehicle, vessel, train or aircraft for the purposes of this Act, such police officer or the person may use such force as may be necessary to halt such vehicle:
- Use of force to stop a vessel or vehicle.

- 10 Provided however, any such force may be used only where all other means of halting the vehicle, vessel, train or aircraft have proved ineffective:

Provided further, any such officer shall not use lethal force except in the exercise of private defence within the meaning of the Penal Code.

- 15 **56.** (1) A police officer shall be entitled to take over the control of any vehicle, vessel, train, aircraft or unmanned aerial vehicle, for the purpose of conducting an investigation under this Act or for preventing the commission of an offence.
- Taking over the control of any vehicle, vessel, etc.

- 20 (2) Such taking of control shall be promptly reported to a Magistrate.

57. For the purposes of this Act, a police officer not below the rank of a Senior Deputy Inspector General of Police may issue directions to—

Suspension or delaying the taking off or sailing of vessel, aircraft, etc.

- 25 (a) suspend or delay, the taking off of any aircraft, or the sailing of any vessel; or
- (b) land any such aircraft at a designated airport or at any other appropriate location; or
- (c) bring any vessel to any port or harbour or any other appropriate location:

- 30 Provided however, the Director General of Civil Aviation appointed under the Civil Aviation Authority Act,

No. 34 of 2002, and the Commander of the Sri Lanka Air Force shall be prior informed of any such direction issued in respect of any aircraft for the purpose of obtaining air-defence clearance:

- 5 Provided further, where the direction is issued in respect of a vessel of the Sri Lanka Navy, the Commander of the Sri Lanka Navy shall be given prior notice of such direction.

- 10 **58.** (1) An Officer in Charge of a Police Station shall be entitled to directly submit a suspect in custody or a victim of an offence to a government forensic medical specialist for examination. Causing clinical forensic medical examinations.

- 15 (2) The Report of the examination shall be directly submitted by the medical officer, to the relevant officer in charge of the police station, with a copy to the Magistrate before whom the suspect has been, or is to be produced.

- 20 **59.** (1) An officer in charge of a Police Station shall be entitled to directly, submit any document, thing or article, which he reasonably believes to be connected with the Commission of an offence under this Act, to the Government Analyst or to any other local or foreign expert for examination and analysis. Directly submitting items to Government Analyst or other expert.

- (2) The Report of the examination shall be directly submitted by the Government Analyst or other expert, to the officer in charge of the relevant police station.

- 25 **60.** (1) It shall be lawful for a police officer who conducts an investigation on an offence under this Act to submit material for investigation to any other law enforcement agency, if he is of the view that, there exists material, indicating that an offence falling under the purview of the investigation competency of such other law enforcement agency, have been committed. Transfer of Material for Investigation.
- 30

- (2) The law enforcement agency referred to in subsection (1), may include an agency of any other sovereign country.

61. (1) It shall be lawful for a police officer with the approval of the Inspector General of police, and with the prior approval obtained from the relevant foreign country to conduct an investigation in terms of this Act outside Sri Lanka.

Investigations
outside Sri
Lanka.

(2) It shall be lawful for a police officer authorized by the Inspector General of Police, with the prior approval obtained from the relevant foreign country and the Government of Sri Lanka, to undertake and carry out a joint investigation into the commission of an offence under this Act, with a criminal investigation agency of any other country.

62. (1) Where a police officer not below the rank of a Senior Superintendent of Police receives information that an offence under this Act is committed or likely to be committed, he may issue any one or more of the following directives to the public, for the purpose of protecting persons from harm or further harm, associated with such offence: -

Police may
issue
directives for
the
protection of
the public.

- (a) not to enter any specified area or premises;
- (b) to leave a specified area or premises;
- (c) not to leave a specified area or premises and to remain within such area or premises;
- (d) not to travel on any road;
- (e) not to transport anything or to provide transport to anybody;
- (f) to suspend the operation of a specified public transport system;
- (g) to remove a particular object, vehicle, vessel or aircraft from any location;
- (h) to require that a vehicle, vessel, ship or aircraft to remain in its present position;

- (i) not to sail a vessel or ship into a specified area until further notice is issued;
- (j) not to fly an aircraft out of, or into, a specified air space;
- 5 (k) not to congregate at any particular location;
- (l) not to hold a particular meeting, rally or procession; and
- (m) not to engage in any specified activity:

10 Provided however, no directive under paragraphs (k), (l) or (m), shall be issued, without the prior approval obtained from a Magistrate, who shall prior to the issuance of such directive satisfy himself of the necessity for issuing the same and may make an order to issue such directive subject to such conditions.

15 (2) The Human Rights Commission shall forthwith be informed of any directive issued under this section by the relevant officer who issued such directive or the Magistrate who granted prior approval for any such directive under paragraphs (k), (l) or (m).

20 (3) Any such directive, may include exceptions to such directive, in order to meet with emergency situations and humanitarian requirements of persons that may be affected by any such directive.

25 (4) Any such directive, shall be published in the *Gazette* and be given a wide publicity in the relevant area through appropriate other means.

(5) The period of operation of any such directive shall not exceed, continuously for more than twenty four hours at a time, and for a total period of more than seventy two hours:

5 Provided however, where the period of operation of any such directive is required to be extended for more than twenty four hours, such extended period shall commence after an interval of not less than twenty four hours, after the expiration of the initial period of operation of the directive.

 (6) The assistance of the members of any armed force may be obtained by the Inspector General of Police, with the prior approval obtained from the Commander of the relevant armed force, to give effect to any directive under this section.

10 (7) For the purpose of giving effect to such directive, it shall be lawful for police officers to cordon-off such area.

 (8) During the period of operation of such directive and during a twenty four hours interval between two periods of operation, it shall be lawful for any police officer or a member
15 of any armed force authorized in that behalf -

 (a) to stop, question and search any person found within the effective area of such directive;

 (b) to enter and search any premises; or

20 (c) to stop any person who may attempt to enter into or, remain in the effective area of such directive and question and search such person or his belongings and property that may be taken in, or out of such area.

25 (9) Any search conducted in terms of this section shall be carried out in a gender sensitive manner, with due respect to the dignity and privacy of the person being searched, and while ensuring that the search of a female shall only be carried out by a female officer.

30 (10) It shall also be lawful for a police officer or a member of the armed forces authorized in that behalf to restrain and search any person who may act contrary to the directive.

(11) Any person, who willfully acts contrary to a directive issued under this section, shall be guilty of an offence, and shall upon conviction by a Magistrate be punished with imprisonment for a term not exceeding one year or to a fine not exceeding five thousand rupees or to both such imprisonment and fine.

(12) An offence under this section shall be deemed to be a non-cognizable offence within the meaning of the Code of Criminal Procedure Act, if the commission of such offence does not endanger the life of any person other than the offender.

PART IV

MATERIAL FOR INVESTIGATION

- 63.** (1) A police officer not below the rank of a Superintendent of Police shall be entitled to apply for an order from a Magistrate to require any bank, non-banking financial institution or designated non-finance business to provide following information and material to such officer, subject to the provisions of the Prevention of Money Laundering Act, No. 5 of 2006 and Financial Transactions Reporting Act, No. 6 of 2006: –
- Obtaining information from banks, financial institutions, etc.
- (a) information relating to any financial service provided by such bank, institution or business, to any person;
 - (b) details of any financial transaction carried out by any person;
 - (c) details relating to bank accounts, deposits, remittances, and withdrawals and financial services provided by any such bank, institution or business;
 - (d) details relating to securing of financial services by any person; and

- (e) a certified statement of any account or other information pertaining to any account or transaction.

5 (2) Such Magistrate shall consider the application made by such police officer, and make an order in terms of subsection (1), where it appears reasonable and necessary for conducting investigation.

(3) The Magistrate shall maintain confidentiality in respect of the application and the proceedings pertaining to the same shall be held *in-camera*, if requested by such police officer.

15 **64.** (1) A police officer not below the rank of a Superintendent of Police shall be entitled to apply for an order from a Magistrate to require any telecommunication, satellite or digital service or data service provider, to provide –

Obtaining information from service providers.

- (a) information pertaining to services provided or being provided by such service provider to any person;
- 20 (b) information pertaining to services enjoyed by any person to whom such services have been made available;
- (c) any information, data or document or record that may be stored, archived or otherwise kept, by such service provider; and
- 25 (d) information pertaining to the uploading or downloading of data or information, to or from any instrument through the service provided by such service provider.

30 (2) Such Magistrate shall consider the application made by such police officer, and make an order in terms of subsection (1), where it appears reasonable and necessary for conducting investigation.

(3) The Magistrate shall maintain confidentiality in respect of the application and the proceedings pertaining to the same shall be held *in-camera* if requested by such police officer.

- 5 **65.** (1) A police officer not below the rank of Superintendent of Police shall, be entitled to apply for an order from a Magistrate to require from the following officers any information or document for the purpose of conducting an investigation on an offence under this Act :-
- Obtaining information from government or statutory institutions.
- 10 (a) the Secretary to any Ministry;
- (b) Secretary General of the Parliament of Sri Lanka;
- (c) Commissioner General of Inland Revenue;
- (d) Governor of the Central Bank;
- (e) Head of the Department of Foreign Exchange;
- 15 (f) Director of the Financial Intelligence Unit;
- (g) Director General of the Securities and Exchange Commission of Sri Lanka;
- (h) Director General of Customs;
- (i) Controller of Immigration and Emigration;
- 20 (j) Commissioner General for the Registration of Persons;
- (k) Controller General of Imports and Exports;
- (l) Registrar of Companies;
- (m) Commissioner General of Land;
- 25 (n) Director General of Intellectual Property of Sri Lanka;

- (o) Commissioner General of Motor Traffic;
- (p) Director General of Telecommunications;
- (q) a Head of any Government department, statutory body or other Government institution; or
- 5 (r) Chairman of a Provincial Council or a Chairman or a Special Commissioner of a local authority.

(2) Such Magistrate shall consider the application made by such police officer, and make an order in terms of subsection (1), where it appears reasonable and necessary
10 for conducting investigation.

(3) The Magistrate shall maintain confidentiality in respect of the application and the proceedings pertaining to the same shall be held *in-camera* if requested by such police officer.

15 PART V

MAGISTRATE TO MAKE ORDERS TO FACILITATE INVESTIGATIONS

66. (1) For the purpose of conducting an investigation on an offence under this Act, an officer in charge of a police station may make an application to a Magistrate for making
20 orders to facilitate such investigation-

Magistrate to make orders on application of a police officer in charge.

- (a) restraining a suspect from travelling outside Sri Lanka:

Provided that, the officer in charge of the police station shall forthwith take steps to serve such order
25 on the suspect;

- (b) taking of blood and hair samples and swab;
- (c) by conducting of identification parades;

(d) forwarding productions to the government analyst, any other local or foreign expert or to a government forensic medical specialist;

(e) conducting of examinations and tests by experts;

5 (f) freezing of bank accounts or freezing of other financial deposits and accounts, subject to any condition that may be imposed:

10 Provided that, the Magistrate may on his own motion or on an application made in that behalf, vary such order, or permit the use in *good faith* of the funds in such accounts by the holder of any such account, for any legitimate purpose;

(g) suspending or varying the provision of services being provided by any service provider:

15 Provided that, the Magistrate may either on his own motion or on an application made in that behalf, vary such order, enabling the use in *good faith* of such services by the recipient of any such service, for any legitimate purpose; and

20 (h) opening of safe boxes.

(2) The Magistrate shall, upon being satisfied that the application is made in good faith and the assistance sought is reasonably necessary for the purpose of facilitating the conduct of investigations, make the order sought under
25 subsection (1).

67. (1) For the purposes referred to in subsection (2), a police officer not below the rank of a Superintendent of Police may make an application to a Magistrate seeking for an order authorizing such officer—

Magistrate to authorize unlocking data and information.

- 5 (a) to direct any person who provides locking or encryption services pertaining to any communication or storage services or equipment of, any data or information or other thing, to unlock or unencrypt the service or equipment and provide information contained therein to such police officer;
- 10 (b) to intercept, read, listen or record any postal message or electronic mail or any telephone, voice, internet, or video conversation, or conference or any communication through any other medium;
- (c) to access any analogue or digital data or information; exchange or transfer system.

(2) The purposes for which the Magistrate may make an Order under subsection (1) shall be –

- 15 (a) to determine the identity of a person who has committed;
- (b) to determine the location of a person who has committed;
- (c) to facilitate the conduct of an investigation into;
- 20 (d) to gather evidence against a person who has committed;
- (e) to determine whether one or more persons are conspiring, planning, preparing or attempting to commit;
- 25 (f) to take measures to prevent the commission of,
- an offence under this Act.

(3) Such Magistrate shall, if he is satisfied that the application is made in *good faith* and making of such order is reasonably necessary for conducting investigations, issue such order.

68. (1) On an application made by an officer in charge of a police station conducting an investigation into an offence under this Act, the Magistrate to whom such application is made, may question and record the statement of any suspect, who is produced by such officer before the Magistrate.

Magistrate to
record
statements.

(2) The recording of such statement, shall be in compliance with the following conditions: -

- (a) the person shall be informed of his rights under this Act;
- 10 (b) the person shall have access to, or communicate with, an Attorney-at-Law, if he so wishes;
- (c) the person shall be inquired in order to ascertain whether such person wishes to voluntarily answer the questions put to him, and the Magistrate shall
15 proceed to record a statement, only if he is satisfied that such person is voluntarily making such statement, without any promise, inducement or threat;
- 20 (d) a questionnaire shall be obtained from the officer in charge of the police station for the purpose of questioning such person;
- (e) the person shall be informed that he has no obligation to answer the questions being put to him;
- 25 (f) the person shall be warned that in the event of criminal proceedings being instituted against him, the contents of the statement that he will make, may be used as evidence against him;
- 30 (g) whatever statement such person wishes to give shall be recorded, in addition to answers given to the questions put to him;

5 (h) in situations where the person being interviewed, does not understand the language spoken by the Magistrate, the services of an interpreter shall be obtained, in order to translate the questions and the answers into the languages understood by such person and the Magistrate;

(i) a transcript of the interview shall be prepared and retained for future verification.

10 (3) Where the person who makes such statement is subsequently indicted for having committed an offence under this Act, such statement shall be admissible in evidence against such person at proceeding in respect of such offence.

15 (4) Where the person who makes such statement is called by the Attorney General as a witness to testify against a person who is indicted for having committed an offence under this Act, either the entirety of the statement or a part thereof, may be marked and produced in evidence, as part and parcel of the examination-in-chief of such person.

20 (5) When the suspect declines to make a statement to the Magistrate, such fact shall be communicated by the Magistrate to the relevant police officer and the suspect shall be kept in remand custody.

25 **69.** (1) When the investigation is completed, the officer in charge of the relevant police station shall submit to the Magistrate, a report notifying the completion of investigations. Completion of investigations.

(2) No Detention Order under this Act shall be issued or extended in respect of a suspect in respect of whom the investigation has been completed.

30 (3) If at any time, an investigation in respect of any person arrested under this Act, is to resume, the Magistrate and the Human Rights Commission shall be informed of such resumption and the completion of further investigation.

70. Upon the completion of the investigation, the officer in charge of the police station shall where he believes that there remains adequate evidence to institute criminal proceedings against the suspect-

Notes of Investigations to be submitted to the Attorney General.

- 5 (a) request the Attorney General to institute criminal proceedings against the suspect; and
- (b) submit the following through an officer authorized in that behalf by the Inspector General of Police to the Attorney General:-
 - 10 (i) observations found from the place of the commission of the offence and any other place examined or searched;
 - (ii) all statements recorded during the investigation including the statements of the person alleged to have committed the offence;
 - 15 (iii) reports of experts, photographs, sketches, plans, etc.;
 - (iv) any other material the Attorney General may specify, from time to time; and
 - 20 (v) a report relating to the investigation conducted.

PART VI

INSTITUTION OF CRIMINAL PROCEEDINGS

- 25 **71.** The Attorney General shall institute criminal proceedings against any person who appears to have committed an offence under this Act or an offence under any other law which has been committed by such person in the course of committing an offence under this Act.

Attorney General to institute proceedings.

72. (1) Notwithstanding anything to the contrary in any other written law, where –

Suspension
and
deferment of
indictment.

(a) death or grievous bodily injury has not been caused to any person; or

5 (b) the security of the State and the people of Sri Lanka have not been seriously compromised or affected,

the Attorney General may, having due regard to the facts specified in subsection (2), and subject to one or more conditions referred to in subsection (3), suspend and defer
10 the institution of criminal proceedings against such person alleged to have committed an offence under this Act, for a period not less than five years and not exceeding ten years.

(2) Where the Attorney General suspends or defers the institution of criminal proceedings under subsection (1), he
15 shall pay due regard to-

(a) the State policy,

(b) the national interest and public interest ;

(c) views of the Inspector General of Police;

(d) views of the victims of the offence; and

20 (e) the representations that may be made by the accused person or, on his behalf by his Attorney-at-Law.

(3) Where the Attorney General decides in terms of subsection (1) to suspend and defer the institution of criminal proceedings against any person alleged to have committed
25 an offence under this Act, he shall prefer an application to the High Court, to obtain the sanction of such Court to the imposition of one or more of the following conditions on such person as consideration for the suspension and deferment of the institution of criminal proceedings against
30 such person -

- (a) to publicly express remorse and apology before the High Court, using a text issued by the Attorney General;
- 5 (b) to provide reparation to victims of the offence, as specified by the Attorney General;
- (c) to participate in a specified programme of rehabilitation;
- (d) to publicly undertake that such person refrains from committing an offence under this Act;
- 10 (e) to engage in specified community or social service; or
- (f) to refrain from, committing any indictable offence or, breach of peace.

(4) The High Court shall upon consideration of the
15 application made by the Attorney General under subsection (3), order the person alleged to have committed the offence to appear before the Court, and shall notify such person of the conditions imposed by the Court.

(5) If such person fulfils the conditions imposed under
20 subsection (3) during the period stipulated for fulfilling such conditions, the Attorney General shall not institute criminal proceedings against such person in respect of the offence alleged to have been committed.

(6) If the person fails without valid excuse to comply
25 with such conditions, the Attorney General may institute criminal proceedings against such person after the lapse of the period given to the suspect to fulfil such conditions.

PART VII

TRIAL

- 5 **73.** Every person who commits an offence under this Act shall be triable without a preliminary inquiry, on indictment by the Attorney General, before a Judge of the High Court, sitting without a jury: Trial in the High Court.

10 Provided however, the Chief Justice may direct that the trial shall be held before the High Court at Bar, in terms of the provisions of section 450 of the Code of Criminal Procedure Act, where-

- (a) the Attorney General so requests the Chief Justice; or
- (b) the Chief Justice is of the opinion that the interests of Justice so demands ; or
- 15 (c) the accused or an Attorney-at-Law on his behalf so applies.

- 74.** Notwithstanding anything to the contrary in any other law, the High Court shall give priority to the trials against any person indicted for, any offence under this Act. Priority for trials under this Act.

- 20 **75.** Unless exceptional circumstances so warrant a trial under this Act shall be held from day-to-day, other than during weekends, public holidays and days fixed by the Chief Justice to be days on which the court shall be on vacation. Conduct of trials on day-to-day basis.

- 25 **76.** Subject to the provisions of this Act, the provisions of the Code of Criminal Procedure Act shall, *mutatis mutandis*, apply in respect of a trial under this Act. Trial procedure.

- 30 **77.** (1) If at any time before the judgement is given by the High Court against a person who has been indicted for having committed one or more offences under this Act, where any charge in the indictment does not relate to- Withdrawal of Indictment.

- (a) causing death or grievous bodily injury to any person;
- (b) endangering the security of the State and the people of Sri Lanka; or

5 (c) causing serious harm to property,

the Attorney General may, having due regard to the facts specified in subsection (2) and subject to one or more conditions referred to in subsection (3), with the permission of the High Court, withdraw the indictment against the
10 accused.

(2) When the Attorney General withdraws the indictment under subsection (1), he shall pay due regard to –

- (a) the State policy;
- (b) the national interest and public interest;
- 15 (c) the views of the Inspector General of Police;
- (d) views of the victims of the offence; and
- (e) representations that may be made by the accused person or on his behalf by his Attorney-at-Law.

(3) The Attorney General may impose one or more of the
20 following conditions under subsection (1) :-

- (a) to publicly express remorse and apology before the High Court, using a text issued by the Attorney General;
- 25 (b) to provide reparation to victims of the offence, as specified by the Attorney General;
- (c) to voluntarily participate in a specified programme of rehabilitation;

(d) to publicly undertake that he refrains from committing an offence under this Act or under other law;

5 (e) to engage in specified community or social service; and

(f) to refrain from committing, any indictable offence, or, breach of peace.

(4) If such person fulfils the conditions imposed under subsection (3), during the period stipulated for fulfilling
10 such conditions, the Attorney General shall not present a fresh indictment against the accused thereafter on the same charges in the original indictment.

(5) If the accused fails without valid excuse to comply with the said conditions, the Attorney General may file a
15 fresh indictment against the accused on the same charges in the original indictment and proceed to prosecute the accused after the lapse of the period given for the accused to fulfil such conditions.

78. If the trial against a person remanded under this Act
20 has not been concluded after the expiration of one year, from the date of filing the indictment, the Judge of the High Court before whom the trial is pending, or is held shall release such person on bail, unless the delay in the completion of the trial can be attributed to the conduct of the accused or
25 his Attorney-at-Law.

Grant of bail during High Court trial.

PART VIII

ADMISSIBILITY OF STATEMENTS

79. (1) A statement made by any person to a Magistrate
under this Act, shall be admissible against such person,
30 subject to the provisions specified in subsection (2) and to the provisions of section 24 of the Evidence Ordinance.

Statements made to a Magistrate.

(2) (a) No person shall be legally bound to make a statement or produce an affidavit implicating or incriminating himself in the commission of an offence.

(b) Any person who is to be interviewed and his statement is to be recorded, shall have the right, if he so wishes, to have access to, or communicate with, an Attorney-at-Law and obtain legal advice prior to such interview.

5 (c) A Magistrate seeking to record a statement, shall inform the person being interviewed of his rights under this Act prior to such interview.

(d) If the person whose statement being recorded at the interview does not understand the language being spoken,
10 the services of an interpreter shall be obtained and the interview shall be conducted in a language that could be understood by such person.

(e) A translation of the statement shall be transcribed together with the corresponding questions, and kept for future
15 verifications.

(f) The interview shall wherever possible be audio-visually recorded.

80. (1) Notwithstanding anything to the contrary in any other written law a confession made to a Magistrate by
20 a person accused of having committed an offence under this Act, shall not be admissible in evidence against such person, unless-

Pre-condition to be satisfied for admissibility of a Confession made to a Magistrate.

(a) the Magistrate who recorded such confession had immediately prior to and soon after recording the
25 statement, cause the person who made the statement to be examined by a government forensic medical specialist; and

(b) the report of the forensic medical specialist is produced by the prosecuting authority, during the
30 *viore-dire* inquiry, that may be conducted for verifying the admissibility of the confessional statement.

(2) The burden of proving the fact that any confession was voluntarily made, shall lie with the prosecuting
35 authority.

PART IX

MISCELLANEOUS ORDERS

5 **81.** (1) Notwithstanding anything in any other written law where the Minister has reasonable grounds to believe that any organization is engaged in any act amounting to an offence under this Act, or is acting in a manner prejudicial to the national security of Sri Lanka or any other country, he may by order published in the *Gazette*, (hereinafter referred to as “Proscription Order”) proscribe such organization in terms of the provisions of this Act.

Minister to
make
Proscription
Orders.

(2) A Proscription Order may be made by the Minister, for giving effect to-

- (a) a recommendation made by the Inspector General of Police; or
- 15 (b) a request made by the Government of any foreign country to the Government of Sri Lanka.

(3) A Proscription Order, may include one or more of the following prohibitions:-

- 20 (a) prohibition on conducting meetings, activities and programmes by such organization;
- (b) prohibition on the use or mobilization of bank accounts and other financial depositories of such organization;
- (c) prohibition to entering into contracts;
- 25 (d) prohibition on raising of funds and receiving grants and bequests;
- (e) prohibition to transferring funds and assets of the organization; or
- 30 (f) prohibition for lobbying and canvassing on behalf of such organization.

(4) Any prohibition, restriction, suspension or sanction, issued under any other written law in respect of an organization in respect of which a Proscription Order has been issued under subsection (1), shall continue to be in
 5 operation, without prejudice to any such Proscription Order issued under subsection (1).

(5) Immediately after publication of a Proscription Order in the *Gazette*, it shall be communicated to the organization in respect of which such Proscription Order has been issued,
 10 and be immediately informed to the members and employees of such organization together with reasons therefor, by way of direct communication, whenever such communication is possible. A public announcement of such Order shall also be made.

15 (6) The Minister may, on an application made by a person or an organization aggrieved by a Proscription Order issued under subsection (1), review or cancel such Order after considering the representations of such person or organization.

20 (7) (a) A Proscription Order made under this section shall be initially issued for a period of one year.

(b) On the lapse of the period of one year, the Minister may taking into account, the contemporary and reliable information and security needs, extend any such Order for
 25 further periods not exceeding one year at a time.

(8) Any person or organization aggrieved by a Proscription Order or any extension thereof, shall be entitled to appeal to the Court of Appeal seeking revision or revocation of such Order.

30 **82.** (1) Where on a recommendation made by the Inspector General of Police, the Minister has reasonable grounds to believe, that any person has committed, or is making preparation, to commit an offence under this Act, and the conduct of such person can be investigated without
 Minister to make Restriction Orders.

him being arrested, and if the Minister is of the opinion that it is necessary to do so, the Minister may, on application made to the High Court and upon obtaining the sanction of such Court, make an order in writing (hereinafter referred to as “Restriction Order”) imposing such restrictions, as shall be specified in that order, for a period not exceeding one month.

(2) A Restriction Order under subsection (1) may include restrictions on -

- 10 (a) the movement outside the place of residence;
- (b) travelling overseas;
- (c) travelling within Sri Lanka;
- (d) travelling outside the normal route between the place of residence and place of employment;
- 15 (e) the communication or association, or both, with particular persons as shall be specified in the order; or
- (f) engaging in certain specified activities that may facilitate the commission of an offence under this
- 20 Act.

(3) Any such Restriction Order may require the suspect to report to any police station on a specified date, or at specified periodic intervals.

(4) No Restriction Order made under subsection (1) shall be made, unless such Order-

- (a) is necessary for the prevention of the commission of an offence under this Act;
- (b) is necessary to conduct investigations into the commission of an offence under this Act;

(c) is proportionate to the offence alleged to have committed or likely to be committed under this Act;

5 (d) does not amount to an arbitrary deprivation of liberty or restriction on the exercise of Fundamental Rights, in terms of the provisions of the Constitution.

(5) The Minister shall cause any such Restriction Order to be served on the person in respect of whom such order was
10 made, and require the Inspector General of police to take necessary steps to enforce any such Order and ensure compliance therewith.

(6) (a) The Inspector General of Police shall cause, the statements of the person in respect of whom the Restriction
15 Order was made, to be recorded, within one week of making thereof and submit it to the Minister, enabling the Minister to determine whether the said Order shall be revoked or varied.

(b) Prior to recording the statement, the relevant person
20 shall be informed of his rights under this Act, and be informed of the grounds for making the Restriction Order.

(c) Prior to recording the statement, the relevant person shall be permitted if he so requests, to have access to, or confidential communication with, an Attorney-at-Law.

25 (d) The interview shall be conducted and the statement shall be recorded in a language understood by the person being interviewed, with the services of an interpreter obtained where necessary:

30 Provided that, where the services of an interpreter is obtained, the interview shall be recorded with its translation, and be transcribed, and preserved, for future verification.

(e) Wherever possible, the interview shall be audio-visually recorded.

(7) Any person who willfully acts in contravention of a Restriction Order made under this Act, shall commit an offence, and shall upon conviction by a Judge of the High Court be liable to imprisonment which may extend to three
5 years and to a fine not exceeding rupees three hundred thousand.

(8) The Minister shall review a Restriction Order made under this section in every month and extend the period thereof, if necessary.

10 (9) The aggregate period of any Restriction Order, shall not exceed six months.

(10) The person in respect of whom a Restriction Order or an extension thereof has been made, or an Attorney-at-Law on his behalf, may appeal against such Order to the Court of
15 Appeal, seeking revision or revocation of such Order.

(11) The Court of Appeal shall dispose of any such appeal within one month of the date of preferring such appeal, considering the grounds of appeal and the reasons assigned by the Minister and the Inspector General of Police, for
20 making such Order.

83. (1) Notwithstanding the provisions of the Public Security Ordinance (Chapter 140) the President may on his
own motion or on the request of the Minister upon being
satisfied of the information provided by the Minister, by
25 Order published in the *Gazette* declare curfew for a period specified in such Order (hereinafter referred to as the "Curfew Order") under this Act, either to the entirety or part of Sri Lanka including its territorial waters and air space for the purposes referred to in subsection (2), and subject to the
30 provisions of subsection (3).

Curfew
Orders.

(2) The President may make a Curfew Order, for the purposes of -

(a) controlling, detecting or investigating the occurrence of systematic and widespread

committing of terrorism and other offences under this Act;

(b) for the protection of national or public security from terrorism and other offences under this Act; or

5 (c) to prevent the systematic and widespread committing of offences under this Act.

(3) (a) The maximum period of any Curfew Order shall not exceed twenty four hours at a time.

10 (b) There shall be an interval of a minimum period of three hours between two periods of Curfew.

(4) A Curfew Order may be made subject to such exemptions that may be imposed to provide for humanitarian needs.

(5) Any such Curfew Order, shall-

15 (a) specify categories of persons who are exempted therefrom;

(b) specify any person who may be authorized to issue permits-

20 (i) exempting any person or persons from adhering to the Curfew Order; and

(ii) authorizing such person or persons to travel from one place to another, due to the need to maintain essential services and supplies, emergency requirements and humanitarian needs, as may be specified in such permit.

25

(6) Any person who needs to be fully or partly exempted from a Curfew Order, shall be entitled to make an application to the authority referred to in subsection (5) in the prescribed form.

(7) The Inspector General of Police shall immediately notify the Human Rights Commission in respect of a Curfew Order made under subsection (1).

5 (8) A person who willfully violates a Curfew Order, shall commit an offence, and upon conviction by a Magistrates Court, be liable to a fine not exceeding rupees three hundred thousand.

10 (9) It shall be lawful for any arresting officer to use reasonable force, as may be necessary to ensure compliance with a Curfew Order, where all other means of ensuring compliance have proved ineffective:

Provided however, any such officer shall not use lethal force unless in the exercise of private defence within the meaning of the Penal Code.

15 **84.** (1) For the purposes of this Act, the Minister may on a recommendation made by the Inspector General of Police or the Commander, respectively of, Army, Navy or Air Force or the Director General of Coast Guard, from time to time, by Order published in the *Gazette*, stipulate any public place or
20 any other location to be a prohibited place (hereinafter referred to as the "Prohibited Place").

Prohibited
Places.

(2) The Order under subsection (1) shall include prohibitions on the entry, and where necessary, may include prohibitions on taking photographs, video recording and
25 making sketches of the Prohibited Place.

(3) In addition to the publication of the order in respect of a Prohibited Place in the *Gazette*, sufficient publicity through other means shall be given.

30 (4) The Inspector General of Police shall immediately notify the Human Rights Commission in respect of an Order made under subsection (1).

(5) Upon being declared a place as a Prohibited Place, notices shall be placed at entry points to such place where possible, indicating that such place has been declared as a Prohibited Place.

5 (6) After making an order under subsection (1), the officer in charge or any other person having lawful authority and control over the Prohibited Place as authorized by the Minister, shall specify the categories of persons who shall be authorized to enter and remain in such place, and he is
10 also entitled to authorize any other person to enter such place on conditions he may specify.

(7) Any person willfully contravenes an Order made under subsection (1) by entering or remaining in a prohibited place without lawful authority, shall commit an offence, and be
15 liable to imprisonment for a term not exceeding three years and to a fine not exceeding rupees three hundred thousand or to both such fine and imprisonment.

(8) Any person willfully contravenes an Order made under subsection (2) by taking photographs, video recording and
20 making sketches of a prohibited place shall commit an offence, and shall be liable to imprisonment for a term not extending three years or to a fine not exceeding rupees three hundred thousand.

85. (1) Where the President receives reliable information
25 of widespread attacks of terrorism and commission of offences under this Act, and the President on advice of the Inspector General of Police forms the opinion that the police is inadequate to effectively deal with such situation and maintain law and order, the President may, by Proclamation,
30 direct any Commander of any armed force or every Commander of every armed force to assist in maintaining public order and to perform specified functions assigned to police officers under this Act.

Calling out
armed forces

(2) The President may, make a proclamation under
35 subsection (1), on his own motion or on a request made by the Minister or the Inspector General of Police.

(3) Such Proclamation shall –

(a) specify whether such Proclamation is operative for the entirety of the territory of Sri Lanka or to certain specified areas of Sri Lanka;

5 (b) specify the ranks of officers of the armed forces who are empowered to exercise the powers on par with the police officers of designated ranks.

(4) The members of any armed force who are called out for the purpose of maintaining public order in any area shall
10 for such purpose have the powers, including the power of search and arrest, conferred on police officers by any provision of this Act or of any other written law, other than the powers specified in Chapter XI of the Code of Criminal Procedure Act:

15 Provided however, the power of seizure and removal of offensive weapons and offensive substances from persons in a public place conferred on police officers shall not be exercised by any member of an armed force called out as
20 aforesaid who is of a rank below that of, a Sergeant of Sri Lanka Army or Sri Lanka Air Force or of a Petty Officer of the Sri Lanka Navy.

(5) In any area in respect of which a proclamation is operative under subsection (1), section 95 of the Code of Criminal Procedure Act, shall have effect as if the expression
25 “police officer” occurring therein includes any member of the armed forces who is called out by such proclamation and who is of a rank not below that of Sergeant of Sri Lanka Army or Sri Lanka Air Force or of Petty Officer of the Sri Lanka Navy.

30 (6) Where any member of the Sri Lanka Army who is not an officer or a soldier of the Regular Force is called out by a proclamation under subsection (1), he shall, within the meaning and for the purposes of the Army Act, be deemed to be on active service and to be a person subject to military
35 law.

(7) Where any member of Sri Lanka Navy who is not an officer or a seaman of the Regular Naval Force, is called out by a proclamation under subsection (1), he shall, within the meaning and for the purposes of the Navy Act, be deemed to be on active service and to be a person subject to naval law.

(8) Where any member of the Sri Lanka Air Force who is not an officer or airman of the Regular Air Force is called out by a proclamation under subsection (1), he shall, within the meaning and for the purposes of the Air Force Act, be deemed to be on active service and to be a person subject to that Act.

(9) Any member of the armed forces who is called out by a proclamation under subsection (1) shall remain so called out until the expiry or rescission of that proclamation.

86. (1) Any police officer may seize any movable or immovable property used for committing or concerned in committing an offence, or derived out of committing an offence under this Act.

Seizure,
Confiscation
and
Forfeiture of
Property.

(2) Any such seizure shall be valid for a period not exceeding three days of such seizure unless such seizure is affirmed and extended by a Magistrate on a request made by an officer in charge of a police station.

(3) Any seizure of property not so affirmed and extended as aforesaid shall cease to have effect after the expiry of the said period of three days.

(4) Any seizure of property affirmed and extended under subsection (2) shall cease to be in force upon the expiry of ninety days of such affirmation unless authorized by a Magistrate, who may authorize the extension of the seizure till the conclusion of the trial, relating to the relevant offence, upon a request made by the officer in charge of the police station.

(5) Where any person establishes his claim in respect of the property so seized, the Magistrate may release such

property to the person who establishes the claim, on conditions that may be imposed, if he is satisfied that-

- (a) such person is the *bona-fide* owner, who has no knowledge of the commission of the offence; or
- 5 (b) such person had exercised due diligence to prevent the commission of such offence.

(6) Where any person is convicted for an offence under this Act, the court may make order subject to the determination of an appeal against such conviction that any
10 property movable or immovable used in the commission of such offence or derived out of such offence, be forfeited and confiscated to the State.

(7) Where any person has been acquitted of having committed an offence under this Act, the Court may make
15 order that any property used for or derived out of the commission of such offence be forfeited and confiscated to the State.

(8) Notwithstanding the provisions of subsection (6) and (7), any property so forfeited and confiscated to the State
20 which may have been used by any person to commit an offence under this Act without the knowledge or consent of the owner of such property, shall be discharged from such forfeiture and confiscation.

(9) Any person aggrieved by an order made under this
25 section, may appeal to the Court of Appeal.

(10) The provisions of subsections (5), (6), (7) and (8) shall not apply to any instrument, weapon, ammunition or utensil used to commit an offence under this Act.

PART X

SENTENCING GUIDELINES

- 5 **87.** When determining the term of imprisonment to be imposed on a person convicted of having committed an offence under this Act the following factors shall be taken into account as aggravating factors which warrant the imposing of an enhanced term of imprisonment, subject to the provisions of this Act: -
- 10 (a) the effect of the commission of the relevant offence on the territorial integrity or sovereignty of Sri Lanka, or of any other sovereign country;
- (b) the effect of the commission of the relevant offence on the security or defence of Sri Lanka;
- 15 (c) the number of lives lost due to the Commission of the offence;
- (d) whether the Commission of the offence has given rise to public disquiet;
- (e) injuries or harms inflicted on the people of Sri Lanka or of any other sovereign country;
- 20 (f) the impact on the victims of the offence and aggravated nature of the consequences undergone by them;
- (g) the effect on the security of the general public;
- 25 (h) the impact on the peaceful co-existence of the people of Sri Lanka;
- (i) financial and material loss caused to the government of Sri Lanka and to the general public; and
- (j) financial and other resources required for the reparation and restoration of the damages caused.

- 88.** When determining the term of imprisonment to be imposed on a person convicted of having committed an offence under this Act, the following factors shall be taken into account as mitigating factors which warrant reduced term of imprisonment subject to the provisions of this Act:-
- Mitigating factors.
- (a) publicly denouncing terrorism;
 - (b) expression of remorse;
 - (c) young age at the time of committing the offence;
 - (d) old age at the time of sentencing;
 - 10 (e) time period spent in detention or remand;
 - (f) coercion or duress under which the offence had been committed;
 - (g) consent on the part of the victims of the offence to grant pardon to the accused;
 - 15 (h) voluntarily providing of reparation by the accused to the victims of the offence;
 - (i) public denouncement of violence, and other offences in respect of which the accused was convicted of guilty;
 - 20 (j) genuine commitment towards the preservation and protection of the territorial integrity and sovereignty of Sri Lanka; and
 - (k) voluntarily participating in and completing a rehabilitation programme, stipulated by the Court.

PART XI

GENERAL

- 89.** Notwithstanding anything to the contrary in the Code of Criminal Procedure Act-
- 5 (a) the provisions of section 303 of that Act shall not apply in the case of any person who is convicted by or before any court for any offence under this Act unless the accused at the time of conviction, is less than eighteen years of age, or has reached the age of seventy years or more; or
- 10 (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 for any offence under this Act.
- 15 **90.** The provisions of Children and Young Persons Ordinance (Chapter 23) shall apply to any child who is found guilty and convicted for having committed an offence under this Act.
- 20 **91.** Where an offence under this Act is committed by a body of persons, if that body of persons is-
- (a) a body corporate, every director and principal executive officer of that body corporate; or
- (b) a firm, every partner of that firm; or
- 25 (c) a body unincorporated other than a firm, every officer of that body responsible for its management and control, shall be deemed to be guilty of such offence:
- 30 Provided that, no such person shall be deemed to be guilty of such offence, if he proves that such offence has committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Certain provisions of the Code of Criminal Procedure Act not to apply.

Children And Young Persons Ordinance to apply.

Offences by bodies of persons.

92. (1) The President may make regulations either on his own motion or on the recommendation of the Minister under this Act, for the purpose of carrying out or giving effect to the purposes, principles and provisions of this Act. Regulations.

5 (2) Every regulation made by the President 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 president shall within 10 thirty days of its publication in the *Gazette* be brought before Parliament for its approval.

(4) Any regulation not so approved shall be deemed to be rescinded from the date of such disapproval but without prejudice to anything duly done thereunder.

15 (5) Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

93. (1) The President may from time to time on the recommendation of the Minister, issue directions subject to the provisions of this Act, which shall apply to police officers and the officers of Armed Forces pertaining to the manner in which the provisions of this Act shall be enforced. Directions.

(2) The directions issued under subsection (1), shall be solely for the purpose of giving effect to the provisions of this Act, in an efficacious manner and, be in compliance 25 with the Human Rights norms and standards recognized by law.

(3) For the purposes of this section the expression “law” includes international instruments which recognize human rights and to which Sri Lanka is a signatory.

30 (4) Every such direction shall be published in the *Gazette*.

94. (1) The President on the recommendation of the Minister may make Regulations to implement rehabilitation programmes for the persons in respect of whom the Attorney General has recommended suspension and deferment of criminal proceedings under section 72, or the Attorney General has withdrawn indictments under section 77. Rehabilitation programmes.

(2) Regulations under subsection (1) shall include-

- (a) objectives to be achieved by the conduct of the programme;
- 10 (b) nature of rehabilitation activities;
- (c) nature of the training to be provided;
- (d) the authority or authorities who conduct the rehabilitation or training;
- (e) the location of the programme; and
- 15 (f) the duration of the programme.

95. The provisions of this Act shall have effect notwithstanding anything contained in any other written law and 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. This Act to prevail over other written law.

96. Nothing contained in this Act, shall be read and construed as preventing any person aggrieved by any decision, determination, order or direction, made by any relevant authority under this Act, seeking relief through judicial review, in terms of the provisions of the Constitution. Judicial Review.

PART XII

REPEAL AND TRANSITIONAL

97. The Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, is hereby repealed. Repeal of Act, No.48 of 1979.

5 **98.** Notwithstanding the repeal of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 Transitional provisions.
(hereinafter referred to as the “repealed Act”) -

10 (a) any trial, appeal or application held, preferred or made under the repealed Act and pending decision, in any court or with other authority, on the day immediately preceding the date of commencement of this Act shall be disposed of, continued, held or entertained, as nearly as may be practicable, under the provisions of the repealed Act including provisions pertaining to procedure and evidence;

15 (b) any person suspected of having committed or concerned in committing an offence under the repealed Act prior to the day immediately preceding the date of commencement of this Act, in respect of whom the proceedings have not been instituted as at the date of commencement of this Act, shall be prosecuted against, under the provisions of the repealed Act and the legal proceedings into any such offence shall be held by the relevant authority,
20 as nearly as may be practicable, under the provisions of this Act;

25 Provided however, prior to filing the indictment for any such offence the Attorney General shall consider the possibility to suspend or defer criminal proceedings under section 72 of this Act;

30 (c) all sentences passed and any decree or order entered or made in any criminal proceeding under the repealed Act, immediately prior to the date of

commencement of this Act, shall be deemed, respectively to have been passed or made under the corresponding provisions of this Act and be enforced and given effect accordingly;

- 5 (d) all regulations and orders made under the provisions
of the repealed Act, prior to the date of
commencement of this Act, including but not
limited to regulations proscribing any organization
and including the Regulations published in *Gazette*
10 Extraordinary No. 1721/2 of August 29, 2011, shall
be deemed, to have been made under the
corresponding provisions of this Act and be
enforced and given effect accordingly.

99. In this Act, unless the context otherwise requires- Interpretation.

15 “an aircraft” includes a helicopter;

“armed forces” means Sri Lanka Army established
under the Army Act, No. 17 of 1949, Sri Lanka
Navy established under the Navy Act (Chapter
358) and Sri Lanka Air Force established under
20 the Air Force Act, No. 41 of 1949;

“coast guard” means the Department of Coast Guard
established under the Department of Coast
Guard Act, No. 41 of 2009;

25 “Code of Criminal Procedure Act” means the Code
of Criminal Procedure Act, No. 15 of 1979;

“Commissioner General of Land” means the
Commissioner General appointed under
section 3 of the Land Development Ordinance
(Chapter 464));

30 “Commissioner General of Motor Traffic” means
the Commissioner General appointed under
section 204 of the Motor Traffic Act (Chapter
203);

“Commissioner General for the Registration of Persons” means the Commissioner General appointed under section 3 of the Registration of Persons Act, No. 32 of 1968;

5 “confidential information” means-

(a) any information, the dissemination of which is likely to have an adverse impact on the security and the defence of Sri Lanka;

10 (b) any information not in the public domain, the dissemination of which is likely to have an adverse effect on national security or public security, relating to-

15 (i) the persons of the police, armed forces or Department of Coast Guard;

(ii) the functions, movements or whereabouts of a specified person;

20 (iii) a prohibited place or an approved place of detention;

(iv) the conduct of investigations into offences under this Act, findings of such investigations, persons arrested and detained and identity of officers conducting investigations;

25 (c) any information relating to the police or the armed forces, on the conduct of any official activity, including any law enforcement or military measure which is intended to be carried out or is being carried out, or has been carried out;

30

(d) any secret code, word, password or encryption detail relating to national security and defence;

5 “Controller of Immigration and Emigration” means the Controller appointed under section 4 of the Immigrants and Emigrants Act (Chapter 351);

10 “Controller of Imports and Exports” means the Controller appointed under section 2 of the Imports and Exports (Control) Act, No. 1 of 1969;

15 “curfew” means the prohibition of the presence, movement in or through a public place including any road, railway, tunnel, territorial sea, stream, park, market, seashore, and recreation area;

20 “designated non-finance business” has the same meaning assigned to that expression in the Financial Transaction Reporting Act, No. 6 of 2006;

 “Director General of Customs” means the Director General appointed under section 2 of the Customs Ordinance (Chapter 235);

25 “Director of the Financial Intelligence Unit” means the Head of the Financial Intelligence Unit designated under the Financial Transaction Reporting Act, No. 6 of 2006;

30 “Director General of Intellectual Property of Sri Lanka” means the Director General appointed under section 2 of the Intellectual Property Act, No. 36 of 2003;

- 5 “Director General of the Securities and Exchange Commission of Sri Lanka” means the Director General appointed under section 42 of the Securities and Exchange Commission of Sri Lanka Act, No. 36 of 1987;
- “Director General of Telecommunications” means the Director General appointed under section 22B of the Sri Lanka Telecommunication Act, No. 25 of 1991;
- 10 “Evidence Ordinance” means the Evidence Ordinance (Chapter 14);
- “gratification” has the same meaning assigned to such term in the Bribery Act (Chapter 26);
- 15 “Head of the Department of Foreign Exchange” means the Head of the Department of Foreign Exchange within the meaning of Foreign Exchange Act, No. 12 of 2017;
- 20 “Human Rights Commission” means the Human Rights Commission of Sri Lanka established under the Human Rights Commission of Sri Lanka Act, No. 21 of 1996;
- “Minister” means the Minister assigned the subject of Law and Order;
- 25 “non-banking financial institution” has the same meaning assigned to such expression under the Financial Transaction Reporting Act, No. 6 of 2006;
- “Penal Code” means the Penal Code (Chapter 19);
- 30 “Person” means an individual, group of individuals, an association, organization or body of persons;

“Police Ordinance” means the Police Ordinance (Chapter 53);

5 “proscribed terrorist organization” includes any organization proscribed under a regulation made in terms of the United Nations Act, No. 45 of 1968;

“Registrar of Companies” means the Registrar of Companies appointed under section 471 of the Companies Act, No. 7 of 2007;

10 “territory of the Republic of Sri Lanka” has the same meaning assigned to that expression under the Constitution;

15 “unmanned aerial vehicle” means a mechanized and / or automated flying object, which does not contain an ability to navigate such object by a human being from within the object, and which may or may not be navigated or controlled remotely;

20 “victim of an offence” means a person including a child victim who has suffered any injury, harm, impairment or disability whether physical or mental, emotional, economic or other loss, as a result of an act or omission which constitutes an alleged –

25 (a) offence under this Act; or

(b) offence under any other written law which has been committed in the course of committing an offence under this Act,

30 and includes a person who suffers harm as a result of intervening to assist such a person or to prevent the commission of an offence, and the parent or guardian of a child victim of an offence and any

member of the family and *next of kin* of such person, dependents and any other person of significant importance to that person;

“witness” means any person who-

- 5 (a) has provided information or lodged a complaint with any law enforcement officer and based upon such information or complaint, an investigation or inquiry could be commenced or has commenced or is likely to commence, 10 in connection with the alleged commission of an offence under this Act;
- 15 (b) in the course of an investigation or inquiry conducted by a law enforcement officer, into the alleged commission of an offence under this Act has provided information or made a statement containing an account of matters in 20 respect to which such person had been questioned;
- 25 (c) has provided an affidavit or submitted a statement in support of a complaint made or any legal action instituted by a victim of an offence under this Act;
- 30 (d) has provided information or any communication to a Commission;
- (e) has reasonable grounds to believe that he shall be summoned by a Court or a Commission to make a statement or testify in any judicial or quasi-judicial

proceedings against a person, based on information provided or a statement made to a law enforcement officer or a Commission by such person;

5 (f) has received summons from a court or a Commission to make a statement, testify or produce any document, report or object in any judicial or quasi-judicial proceeding before such Court or
10 Commission; or

(g) being a public officer, has investigated into the alleged commission of an offence under this Act,

15 and includes a victim of an offence, a child witness, the parent or guardian of a child witness, a family member or dependent of such witness or any other person of significant importance to such person, an expert witness and a person who has been
20 summoned to testify before a Court or a Commission on behalf of a person suspected or accused of the alleged commission of an offence under this Act.

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

Sinhala text to prevail in case of inconsistency.

FIRST SCHEDULE [section 25(1)]

ACKNOWLEDGEMENT OF THE ARREST AND CUSTODY

1. Name of the person arrested:–
2. Date, Time and Place of arrest:–
3. Reasons for the arrest:–
4. Location of the proposed custody or detention of the person arrested:–
5. Name, identification number and rank of the arresting officer:–
6. Any other information as may be necessary for the next of kin of person arrested, to have reasonable access to him:–
7. Identity of the person to whom the acknowledgement is being issued:–
8. Date and place of issue of the acknowledgement:–
9. Name, designation and signature of the officer issuing the acknowledgement:–

SECOND SCHEDULE [section 25(4)]

NOTIFICATION OF THE ARREST TO THE HUMAN RIGHTS COMMISSION

1. Name of the person arrested:–
2. Date, Time and Place of arrest:–
3. Reasons for the arrest:–
4. Location of the place at which the suspect is being held in detention:–
5. Name, identification number and rank of the arresting officer:–
6. Name and designation of the officer in charge of the place of detention and his contact details:–
7. Any other information as may be necessary to enable the Human Rights Commission to have prompt access to the detainee:–

THIRD SCHEDULE [section 25(4)]

NOTIFICATION OF THE ARREST TO THE INSPECTOR GENERAL OF POLICE

1. Name of the person arrested:–
2. Date, Time and Place of arrest:–
3. Reasons for the arrest:–
4. Location of the place at which the suspect is being held in detention:–
5. Name, identification number and rank of the arresting officer:–
6. Name and designation of the officer in charge of the place of detention and his contact details:–

FOURTH SCHEDULE [section 31(1)(b)]

DETENTION ORDER

1. Number of the Detention Order:–
2. Name and designation of the officer issuing the Detention Order:–
3. Date and Place of issuing the Detention Order:–
4. Identity of the officer who requested the issue of the Detention Order and the date of the request and where applicable the reference number:–
5. Name of the person (suspect) in respect of whom the detention is being authorized:–
6. The place of authorized detention:–
7. The period of detention:–
8. The purpose for which detention of the suspect has been authorized:–
9. Conditions of detention:–

