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The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

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PART I: SECTION (I) - GENERAL

Government Notifications

L. D. -B. 1/2019

OFFICE ON MISSING PERSONS (ESTABLISHMENT, ADMINISTRATION AND DISCHARGE OF FUNCTIONS) ACT, No. 14 OF 2016

GUIDELINES issued by the Minister of Justice and Prison Reforms under paragraph (f) of Section 12 of the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016.

THALATHA ATUKORALE,
Minister of Justice and Prison Reforms.

Colombo,
18th July 2019.

Guidelines

1. A search of a place of detention conducted by a specified officer authorised to do so under paragraph (f) of section 12 of the Act shall be in accordance with these Guidelines.



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Part I

Authorization of Specified Officers

2. An authorization under paragraph (f) of section 12 of the Act shall contain-

- (a) the name and the designation of the specified officer authorized to conduct the search;
- (b) the date of authorization; and
- (c) the purpose of the search.

Part II

Search without Prior Notification

- 3. A search of a place of detention may be conducted an authorized specified officer at any time without any prior notification being given to any person in charge of such place of detention.
- 4. At the commencement of a search, an authorized specified officer shall show the person in charge of a place of detention the authorization and where such person in charge of such place of detention makes a request, give a copy of such authorization.

Part III

Powers to be Exercised during a Search of a Place of Detention

- 5. An authorized specified officer may-
 - (a) search any part of the premises of a place of detention;
 - (b) question any person in such place of detention to ascertain the conditions of detention or in relation to any matter relating to the mandate of the OMP;
 - (c) retain any document or object found in such place of detention;
 - (d) make copies of any document referred to in paragraph (c);
 - (e) take photographs of such place of detention or any object, document, vehicle or any other matter including any sign or physical evidence found in such place of detention; or
 - (f) search any vehicle in a place of detention.

Part IV

Procedural Requirements

- 6. The OMP shall maintain a logbook of all searches of places of detention conducted by the authorised specified officers.

7. An authorized specified officer of the OMP conducting a search of a place of detention shall make a written record of such search in the logbook immediately after the conclusion of such search. Where such record has not been made immediately after the conclusion of the search due to unavoidable circumstances, such record shall be made as soon as reasonably practicable.
8. A written record made in the logbook under Guideline 7 shall include-
 - (a) details of the authorization of the search;
 - (b) address of the place of detention in which the search was conducted;
 - (c) date, time and duration of the search;
 - (d) names and any descriptive information of persons present at the place of detention at the time of the search;
 - (e) details of any objects, documents retained or copies of the documents made during the search; and
 - (f) details of any photographs taken or vehicles searched under paragraphs (e) and (f) of Guideline 5.
9. An authorized specified officer of the OMP conducting a search of a place of detention shall, before such officer leaves such place of detention, issue a receipt acknowledging the retention of any object or document retained during such search, with a detailed description of objects or documents so retained.
10. In these Guidelines, unless the context otherwise requires -

“Act” means the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016;

“document” means any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of those means, intended to be used or which may be used for the purpose of recording that matter and includes any matter that is expressed or described upon any substance by electronic or digital form;

“object” means any movable tangible property;

“OMP” means the Office on Missing Persons established by Section 3 of the Act;

“place of detention” includes any place of detention, police station, prison or any other place in which any person is suspected to be detained, or is suspected to have previously been detained in, whether by judicial order or otherwise.