

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

Part II of March 17, 2023

SUPPLEMENT

(Issued on 22.03.2023)



ANTI-TERRORISM

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BILL

to make provision for the protection of the National Security of Sri Lanka and the people of Sri Lanka from acts of Terrorism; other offences associated with Terrorism and certain specified Acts constituting the offence of 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, identification, apprehension, arrest, 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

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Anti-Terrorism

L.D.-O 15/2023

AN ACT TO TO MAKE PROVISION FOR THE PROTECTION OF THE NATIONAL SECURITY OF SRI LANKA AND THE PEOPLE OF SRI LANKA FROM ACTS OF TERRORISM, OTHER OFFENCES ASSOCIATED WITH TERRORISM AND CERTAIN SPECIFIED ACTS CONSTITUTING THE OFFENCE OF 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, IDENTIFICATION, APPREHENSION, ARREST, 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 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 any acts of terrorism and related acts 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 acts 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 considers the safeguarding of national security is of paramount importance for the purpose of securing due recognition and respect of the rights and freedom of the people of Sri Lanka
 10 and for the protection of territorial integrity and enhancing the sovereignty of the people of Sri Lanka;

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;

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

1. This Act may be cited as the Anti-Terrorism Act, Short title
 No. of 2023.

PART I

20 APPLICATION OF THE ACT

2. (1) The provisions of this Act shall apply to any person who commits an offence under this Act, whether within or
 outside the territorial limits of Sri Lanka, including- Application of the Act

25 (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 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 or vessel registered in Sri Lanka or belonging to or used by the Government of Sri Lanka;
- (v) on-board or in respect of an aircraft or vessel within the territory of Sri Lanka including the territorial waters and airspace of Sri Lanka;
- (vi) wholly or partly within the office premises of a diplomatic or consular mission of Sri Lanka or in respect of such premises, or a consular officer of Sri Lanka, or at the residence of the Head of such diplomatic or consular mission or at the residence of any diplomatic or consular officer or any other employee of such mission;
- (vii) wholly or partly within the office premises situated outside Sri Lanka of a statutory board of the Government of Sri Lanka or in respect of the such premises, or within the residence of an employee of such statutory board;
- (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;
 - (ii) a property owned by the State;

- (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:

5 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:

10 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.

15 (2) For the purpose of this section-

 “habitual residence” means the customary place of residence of a person;

 “property owned by the State” includes property owned by-

- 20 (a) public corporations and statutory funds or boards;
- (b) businesses and other undertakings vested in the Government by or under any written law; and
- 25 (c) any company registered or deemed to be registered under the Companies Act, No.7 of 2007 in which the Government or a public corporation holds fifty *per centum* or more of the shares of that company.

PART II

OFFENCES AND PENALTIES

3. (1) Any person, who commits any act or illegal omission specified in subsection (2), with the intention of— Offence of terrorism

- 5 (a) intimidating public or section of the public;
- (b) wrongfully or unlawfully compelling the Government of Sri Lanka, or any other Government, or an international organization, to do or to abstain from doing any act;
- 10 (c) unlawfully preventing any such government from functioning;
- (d) violating territorial integrity or infringement of sovereignty of Sri Lanka or any other sovereign country; or
- 15 (e) propagating war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

commits the offence of terrorism.

20 (2) An act or an illegal omission referred to in subsection (1) shall be—

- (a) murder;
- (b) grievous hurt;
- (c) hostage taking;
- (d) abduction or kidnapping;

- (e) causing serious damage to any place of public use, a State or governmental facility, any public or private transportation system or any infrastructure facility or environment;
- 5 (f) causing serious obstruction or damage to or interference with essential services or supplies or with any critical infrastructure or logistic facility associated with any essential service or supply;
- 10 (g) committing the offence of robbery, extortion or theft, in respect of State or private property;
- (h) causing serious risk to the health and safety of the public or a section thereof;
- 15 (i) causing serious 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 assigned to Sri Lanka;
- (j) causing the destruction of, or serious damage to, religious or cultural property;
- 20 (k) causing serious obstruction or damage to, or interference with any electronic analog, digital or other wire-linked or wireless transmission system including signal transmission and any other frequency-based transmission system;
- 25 (l) being a member of an unlawful assembly for the commission of any act or illegal omission set out in paragraphs (a) to (k); or
- 30 (m) without lawful authority, importing, exporting, manufacturing, collecting, obtaining, supplying, trafficking, possessing or using firearms, offensive weapons, ammunition, explosives, or any article or

5 thing used or intended to be used in the manufacture
 of explosives, or combustible or corrosive
 substances or any biological, chemical, electric,
 electronic or nuclear weapon, other nuclear
 explosive device, nuclear material or radioactive
 substance or radiation emitting device.

4. (1) Any person who-

Penalty for
the offence
of terrorism

10 (a) commits the offence specified in paragraph
 (a) of subsection (2) of 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 death;

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

(2) Where any person is convicted by any court of any
offence under section 3 or 5,-

25 (a) the court may, by virtue of that conviction, in
 addition to any penalty that the court shall impose
 for such offence, forfeit to the Republic all property
 movable and immovable of that person; and

30 (b) any alienation or other disposal of property
 effected by such person after such conviction
 shall be deemed to have been, and to be, null and
 void.

5. (1) Any person who attempts, abets or conspires to commit an offence under section 3, or does any act preparatory to the commission of 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 such person has committed the offence of terrorism consequent to the commission of an offence under subsection (1), such person shall be liable to the same penalty imposed for the offence of terrorism as if he has committed the offence of terrorism.

6. (1) Any person who-

Offences associated with proscribed terrorist organizations and movements

- (a) joins, functions or serves as a leader, member of or a cadre of;
- (b) supports or directs, at any level, the activities of;
- (c) recruits, entices or encourages any person to be a member of or a cadre of,

a proscribed terrorist organization or movements of which the objective is to commit the offence of terrorism under section 3, commits an offence under this Act.

(2) Any person who commits robbery, extortion, theft of property or otherwise obtains money or any property or other material, for or on behalf of a proscribed terrorist organization or a movement an objective of which is to commit the offence of terrorism under section 3, commits an offence under this Act.

7. Any person who-

Specified acts

- (a) commits 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; or

- 5 (b) possesses an article for the purpose of commission, preparation, or instigation of the offence of terrorism referred to in section 3 of this Act,

commits and offence under this Act.

- 10 **8.** Any person who harbours, conceals, or in any other manner, wrongfully or illegally prevents, hinders or interferes with the identification, arrest, custody or detention of a person knowing or having reasonable grounds to believe that such person has committed or is concerned in committing an offence under this Act commits an offence under this Act.

Aggravated criminal acts associated with terrorism

- 9.** Any person who-

Terrorism associated acts

- (a) gathers any confidential information, having the intention of supplying such information to a person; or
- 20 (b) supplies any confidential information to a person,

- 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, commits an offence under this Act:
- 25

- Provided however, nothing published in good faith with due diligence for the benefit of the public or in the national interest in printed and electronic media, or in any academic publication, shall be deemed to be an offence under this section.
- 30

10. (1) Any person-Encouragement
of terrorism

5 (a) who publishes or causes to be published a statement, or speaks any word or words, or makes signs or visible representations which is likely to be understood by some or all of the members of the public as a direct or indirect encouragement or inducement for them to commit, prepare or instigate the offence of terrorism; and

10 (b) such person-

- (i) intends directly or indirectly to encourage or induce the public to commit, prepare or instigate the offence of terrorism; or
- 15 (ii) is reckless as to whether the public is directly or indirectly encouraged or induced by the statement to commit, prepare or instigate the offence of terrorism,

20 commits an offence under this Act.

(2) The provisions of subsection (1) shall apply to any person who publishes or causes to be published a statement referred to in that subsection using—

- (a) print media;
- 25 (b) internet;
- (c) electronic media; or
- (d) other form of public notice.

(3) For the purposes of subsection (1), a “statement” includes every statement—

- 5 (a) which glorifies the commission of the offence of terrorism or preparation for the offence of terrorism; and
- (b) from which the public may reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.

10 (4) For the purposes of this section, the question as to how a statement is likely to be understood and what members of the public could reasonably be expected to infer from it shall be determined, having regard both—

- (a) to the contents of the statement as a whole; and
- 15 (b) to the circumstances and the manner of its publication.

 (5) If any person proves to the satisfaction of the High Court that a statement referred to in subsection (2) neither expressed his views nor had his consent or approval for
20 publication in all the circumstances of the publication of the statement, the court may order that such person is not guilty of an offence under this section.

11. (1) A person commits an offence under this section if such person—

Disseminating
terrorist
publications

- 25 (a) distributes or circulates a terrorist publication;
- (b) gives, sells or lends a terrorist publication;

- (c) offers for sale a terrorist publication;
 - (d) provides a service to others that enables them to obtain, read, listen to or look at a terrorist publication or to acquire it by means of a gift or sale;
 - (e) transmits the contents of a terrorist publication electronically; or
 - (f) keeps a terrorist publication in his possession with the intention of using it for a purpose referred to in paragraphs (i) and (ii); and
- such person-
- (g) intends directly or indirectly to encourage or induce the public to commit, prepare or instigate the offence of terrorism; or
 - (h) is reckless as to whether the public is directly or indirectly encouraged or induced by the statement to commit, prepare or instigate the offence of terrorism.
- (2) The provisions of subsection (1) shall apply to a person who commits any act referred to in paragraph (a) of that subsection using-
- (a) print media;
 - (b) internet;
 - (c) electronic media; or
 - (d) other form of public notice.

(3) For the purposes of subsection (1), a “terrorist publication” is a publication to be understood by some or all of the persons to whom it is or may be available—

- 5 (a) as direct or indirect encouragement or other inducement to them to commit or, to prepare for, the offence of terrorism; or
- (b) that the matter contained therein is useful in the commission of, or preparation for, the offence of terrorism.

10 (4) For the purposes of subsection (3), a “matter” includes every matter—

- (a) which glorifies the commission of the offence of terrorism or preparation for the offence of terrorism; and
- 15 (b) from which the public may reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated by them in existing circumstances.

(5) For the purposes of this section, the question as to
20 whether a publication is a terrorist publication shall be determined having regard-

- (a) to the content of the publication as a whole; and
- (b) to the circumstance in which a particular conduct in consequence to that publication has occurred.

25 (6) No person shall be deemed to be guilty of an offence under this section, if that person proves to the satisfaction of the High Court that the matter contained in a publication alleged to have been a terrorist publication neither expressed his views nor had his consent or approval in all the
30 circumstances of the publication of the same.

(7) For the purposes of this section—

“lend” includes let on hire;

5 “publication” means an article or record of any description that contains any of the following:—

(a) matter to be read;

(b) matter to be listened to; or

(c) matter to be looked at or watched.

12. (1) A person, if such person—

Training for
terrorism

10 (a) provides instruction or training, to commit or to prepare for the offence of terrorism or to assist the commission of, or to prepare for the offence of terrorism under section 3; and

15 (b) knows, at the time he provides such instruction or training that the person receiving the training intends to use or is likely to use the skills in which he is being instructed or trained—

20 (i) for or in connection with the commission or preparation for the offence of terrorism under this Act; or

(ii) for assisting the commission or preparation for the offence of terrorism under this Act,

25 commits an offence under this section.

(2) A person, if such person—

30 (a) receives instructions or training to commit or prepare for the offence of terrorism or to assist the commission of or to prepare for the offence of terrorism; and

(b) intends, at the time of the instruction or training to use the skills which he is being instructed or trained—

5 (i) for or in connection with the commission or preparation of the offence of terrorism; or

(ii) for assisting the commission or preparation by others of the offence of terrorism,

commits an offence under section 6.

(3) For the purposes of this section “instruction or
10 training” means instruction or training—

(a) in the making or use of firearms, explosives or chemical, biological or nuclear weapons; or

15 (b) in the use of, or for designing or adapting any method or technique for doing anything for the purpose of or in connection with the commission of the offence of terrorism.

20 **13.** (1) Any person who commits an offence under sections 6, 7, 8, 9, 10, 11 and 12, shall upon conviction by the High Court be liable to rigorous imprisonment for a term not exceeding fifteen years and to a fine not exceeding rupees one million.

Penalty for committing offences under sections 6, 7, 8, 9, 10, 11 and 12

25 (2) Where any person is convicted for an offence under sections 6, 7, 8, 9, 10, 11 and 12, in addition to any penalty imposed on such person under subsection (1), the High Court may order that any property movable or immovable in the possession of such person which the Court considers to be connected with the commission of such offence shall be forfeited to the Republic.

14. (1) Any person who attempts, abets or conspires to commit an offence under sections 6, 7, 8, 9, 10, 11 and 12, or does any act preparatory to the commission of an offence under such sections shall upon conviction by the High Court be liable to rigorous imprisonment for a term not exceeding ten years and to a fine not exceeding rupees one million. Penalty for attempt & c of committing offences under sections 6, 7, 8, 9, 10, 11 and 12
- (2) If any offence specified in sections 6, 7, 8, 9, 10, 11 and 12 is committed consequent to an attempt, abetment or conspiracy to commit such offence or does any act preparatory to the commission of such offence, the offender shall be liable to the same penalty as if he has committed such offence.
15. Any person who-
- (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,
- fails to report to the officer in charge of the nearest police station; or
- (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,
- commits an offence under this Act and upon conviction by the High Court shall be guilty of such offence and be liable to imprisonment of either description for a term not exceeding seven years and to a fine not exceeding rupees five hundred thousand.

16. Any person who—

Disobeying
lawful orders
to be an
offence

(a) violates or acts in contravention of a lawful directive or order made in terms of this Act;

5 (b) willfully fails or neglects to comply with a direction issued in terms of this Act;

(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:

10 Provided however, such person shall not be compelled to make any statement under this paragraph self-incriminating such person;

15 (d) willfully prevents or hinders the implementation of a lawful order or directive issued under this Act; or

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

20 commits an offence, and shall upon conviction by the High Court be liable to imprisonment for a term not exceeding two years and to a fine not exceeding rupees five hundred thousand.

17. 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, the Code of Criminal Procedure Act and other applicable laws.

Offences to
be
cognizable

PART III

INVESTIGATION OF OFFENCES

18. An officer in charge of a police station or any other police officer authorized by an officer in charge of a police

Who may
conduct
investigations

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:

5 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:

10 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.

15 **19.** Any police officer, 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;

20 (b) who has been concerned in committing an offence under this Act;

25 (c) in respect of whom such police officer, member of the armed forces or coast guard officer receives information or a complaint which such officer or member believes to be reliable that a person has committed or concerned in committing an offence under this Act;

(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

30 (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.

20. (1) A person arrested by a member of the armed forces or a coast guard officer other than a police officer, shall be produced before the officer in charge of the nearest police station or 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 before 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 the next nearest police station.

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

(3) Subject to the provisions of sections 24 and 25, a person so arrested may be questioned and further searched by the commissioned officer where it is necessary to protect the life of any person, to prevent any act of terrorism or to preserve evidence relating to an offence committed under this Act.

(4) Such commissioned 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 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
 5 out the 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.

10 **21.** (1) (a) Any person arrested by a police officer, shall forthwith, be produced before the officer in charge of the police station to which such police officer is attached. 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
 15 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.

20 **22.** (1) Where there are reasonable grounds to arrest any person under section 20 or section 21, a police officer, a member of the armed forces or a coast guard officer (hereinafter in this Part referred to as the “arresting officer”) may- Power to stop and search

25 (a) stop and search any person, vehicle, vessel, train or aircraft;

(b) question such person;

(c) enter and search any premises or land; and

(d) take into custody any document, thing or article,
 30 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 section 26.

(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 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 possession or release of any document, thing or article so taken into custody.

23. (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

- (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 suspect to an Attorney-at-Law as provided for in written law.

(2) Every reasonable measure shall be taken to convey the information specified in subsection (1) in Sinhala, Tamil or English languages, whichever language is understood by the suspect.

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

- 5 **24.** Every arrest shall be carried out, with due regard to the privacy of the suspect. Every possible measure shall be taken to ensure that the arrest of a female 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
- 10 **25.** (1) Every possible measure shall be taken to ensure that the questioning of any female suspect is carried out by a female arresting officer or in the presence of a female officer. Searching and questioning of females
- (2) The search of a female suspect, shall necessarily be conducted by a female officer.
- 15 **26.** (1) Where any person is arrested under section 20 or 21 it shall be the duty of the arresting officer to issue to the spouse, father, mother, or any other close relative of such person, forthwith or in any case not later than twenty-four hours from the arrest, a notification by way of a document in
- 20 such form as is specified in the First Schedule hereto, acknowledging the fact of such arrest. It shall be the duty of the holder of such document to return the same to, or produce the same before, the appropriate authority when such arrested person is released from custody:
- 25 Provided that, where any person is taken into custody and it is not possible to issue a document as specified in this section, it shall be the duty of the arresting officer if such officer is a police officer, to make an entry in the information book, giving reasons as to why it is not possible, and if the
- 30 arresting officer is a member of the armed forces or a coast guard officer to report to the officer in charge of the police station the reasons why it is not possible to issue such document and the officer in charge shall make an entry of such fact along with the reasons therefor in the information
- 35 book.

(2) Such notification shall include—

- (a) the date, time and place of arrest;
 - (b) reasons for the arrest;
 - (c) the location of custody or detention;
 - 5 (d) the name, identification number and rank of the arresting officer; and
 - (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.
- 10

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

15

(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.

20

25

(5) Such notification shall include—

- (a) the date, time and place of arrest;
- (b) reasons for the arrest;

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

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

Central
database and
Register

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

- 20 (a) lawfulness of the arrest, custody and detention of the suspect;
- (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
25 information in respect of the identity of the person arrested, date of arrest, reason for arrest, place of detention in such database and Register, to the Human Rights Commission, whenever the Human Rights Commission so requests.

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

28. (1) A suspect-

Production
before a
Magistrate

10 (a) who has been arrested and detained by a police officer in terms of this Act; or

(b) who has been arrested by an officer other than a police officer and produced before the officer in charge of a police station or a designated police officer in terms of section 20,

15 shall be produced before the nearest Magistrate not later than forty-eight hours from the time of such arrest:

20 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 be excluded in calculating such forty-eight hours.

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

(a) a Detention Order has been issued in terms of section 31, and is placed before the Magistrate for 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 has not been placed before the Magistrate, the Magistrate may—

5 (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:

10 Provided however, where the Magistrate is satisfied that there are no such reasonable grounds, the suspect shall be released on bail;

15 (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 the Bail Act, No.30 of 1997, upon conditions to be stipulated by such Magistrate, excluding personal bail;

20 (iii) discharge the suspect, if the officer in charge of the relevant police station so requests on any ground that the Magistrate is satisfied.

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

25 (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 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.

30

29. (1) Where the Magistrate is of the opinion, that the suspect may have been subjected to cruel, inhumane or degrading treatment or torture, after taking into account any comment made by the suspect under section 28, and any representation made by the arresting officer or officer in charge of the relevant police station, the Magistrate shall direct that the suspect be produced before a Judicial Medical officer for medical examination, and a report be submitted to the Magistrate by such Judicial Medical Officer.
- Magistrate to direct the suspect to a forensic medical examination
- (2) Where the report of the Judicial Medical Officer 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 kept in remand or detention.
- (3) Where the Magistrate orders that the suspect be kept in remand or detention, any police officer 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.
30. (1) Any person shall not be held in remand for a period exceeding one year from the date of his arrest without institution of 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, which shall not, in any case exceed three months at a time.

- 5 (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.

- 10 **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 in writing to a Deputy Inspector General of Police.

- 15 (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 after recording such reasons, issue a Detention Order substantially in the format specified in the Fourth Schedule to this Act, authorizing the detention of the suspect in an approved place of detention under
20 approved conditions of detention.

(c) A Detention Order under this section may initially be issued for a period not exceeding three months.

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

- 30 (a) to facilitate the conduct of the investigations in respect of the suspect;
- (b) to obtain material for investigations and potential evidence relating to the commission of an offence under this Act;

- (c) to question the suspect in detention; and
- (d) to preserve evidence pertaining to the commission of an offence under this Act, for such reasons to be recorded in the Detention Order.

- 5 (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 22, a certified copy of such Detention Order shall be placed before the Magistrate for inspection.
- 10 (4) A copy of every Detention Order under this section shall be served on the suspect being detained, within a period of forty-eight hours from such Order and the acknowledgement thereof by the suspect shall be obtained and filed in the relevant Magistrate Court.
- 15 (5) A copy of the Detention Order shall be served on the next of kin or an adult family member of the suspect within a period of forty-eight hours from such Order and the provisions of section 26 shall *mutatis mutandis*, apply to the manner of serving such copy.
- 20 (6) The President shall, on the recommendation of the 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.
- 25 (7) The President shall, in consultation with the Inspector General of Police and the Human Rights Commission of Sri Lanka, specify by Order published in the *Gazette*, such conditions of detention as “approved conditions of detention” for the purpose of this section.
- 30 (8) Any person detained under this section may, during the period of such Detention Order make an appeal to the Board of Review established under section 40.

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

Visit to place
of detention
by Magistrate

5 (a) visit once a week, 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 place of detention to provide prompt and unimpeded access
10 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 forthwith make order, for the suspect to be produced for examination by a Judicial Medical
15 Officer, 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 are reasonable grounds to believe that the suspect may have been tortured, he shall act in terms of
20 subsections (2), (3), (4) and (5) of section 29.

33. (1) The officer in charge of the police station in which 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
25 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 without giving any advance notice be
30 entitled 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:

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

10 **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 to be entitled to visit any place of detention

15 **36.** (1) Where it is necessary to detain a suspect in terms of a Detention Order made under section 31 beyond a period of three months, the officer in charge of the relevant police station shall file a confidential report in the Magistrate Court citing-

Detention beyond three months to be only with approval of a Magistrate

(a) the allegation against the suspect;

20 (b) the findings of investigation; and

(c) reasons which require further detention,

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

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

(3) 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.

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

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

10 (c) Where there are no reasons to believe that the suspect has committed an offence under this Act, he shall be enlarged on bail.

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

15 **37.** A suspect shall not be detained for a period exceeding twelve months under a Detention Order made under section 31.

Maximum
period of
detention
under
Detention
Orders

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

Suspect to be
produced
before a
Magistrate

(2) The Magistrate shall comply with the provisions of section 28 upon the suspect being produced before the Magistrate.

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

(4) Following the examination of a report submitted by the officer in charge of the police station on the investigation in respect of the offence alleged to have been committed by

the suspect, if the Magistrate is satisfied that, there exists *prima facie*, a basis to conclude that the suspect has committed an offence under this Act, he shall direct that the suspect be detained in remand custody.

- 5 **39.** (1) A police officer conducting an investigation under this Act, shall under the authority of an order issued by the Magistrate, be entitled to—
- Police officer
to have
access to
suspect in
remand or
prison
- (a) have access to a suspect placed in remand custody in terms of this Act, and interview the suspect;
- 10 (b) record his statements, with the permission given by the Magistrate on an application made to such Magistrate in that behalf;
- (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:
- 15

Provided however, an officer of the Prisons Department shall be present at every instance referred to in paragraphs (a), (b) and (c).

- 20 (2) Where a suspect has been convicted of any other offence other than an offence specified in this Act, and serving a term of imprisonment, a police officer conducting an investigation under this Act, shall under the authority of an order issued by the Magistrate, be entitled to -
- (a) have access to such suspect in the prison, and interview the suspect;
- 25
- (b) record his statements, with the permission given by the Magistrate on an application made to such Magistrate in that behalf;
- (c) take the suspect out of the prison for the purpose of conducting further investigations under the authority of an order made by a Magistrate:
- 30

Provided however, an officer of the Prisons Department shall be present at every instance referred to in paragraphs (a), (b) and (c).

5 **40.** (1) There shall be established a Board of Review for granting administrative relief for appeals against Detention Orders made under section 31 and 41.

Board of
Review for
administrative
relief from
Detention
Orders

(2) The Board of Review shall consist of—

10 (a) the Secretary to the Ministry of the Minister assigned the subject of Defence who shall be the Chairperson of the Board; and

15 (b) two other persons appointed by the President, who have gained professional eminence and experience in the fields of criminal investigation and criminal justice; and human rights.

20 (3) 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.

(4) Such ruling may contain directions-

25 (a) to affirm the detention of the suspect and dismiss the appeal; or

(b) to terminate the detention of the suspect and to produce the suspect before a Magistrate.

(5) Such ruling shall be made within two weeks of the appeal and shall contain reasons therefor, and be 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.

(6) The appellant may, within two weeks of the ruling made under this section, appeal to the Independent Review Panel established under section 89 against such ruling.

41. (1) Where the officer in charge of a police station receives information which he believes to be true, that a 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
- (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 permit the officer in charge of the police station—

- (a) to take custody of the suspect;

- (b) to take custody of the suspect and keep him in remand;
- (c) to remove the suspect from remand;
- (d) to have such suspect detained in terms of such Detention Order; and
- (e) to order that the suspect be in isolation or under security.

(3) The Detention Order made under this section shall-

- (a) be issued by the Deputy Inspector General of Police of the area in which the suspect is remanded;
- (b) be for a period of two weeks at a time for cumulative period of twelve weeks; 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.

(5) Any person detained under this section may, within two weeks from the date of such Detention Order make an appeal to the Board of Review established under section 40.

42. (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.

- 5 **43.** 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
- 10 **44.** The provisions of sections 115 and 116 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
- 45.** Subject to the provisions of this Act, 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 **46.** 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 previously produced. Proceedings before Magistrate Court
- 20 **47.** (1) The place of detention or remand of the suspect, detained or remanded, as the case may be, under the provisions of this Act, shall be provided with the requirements necessary for humane treatment, and such place of detention or remand shall be accessible to the family Suspect to be treated humanly
- 25 members of the suspect, and to his Attorney-at-Law with the prior permission obtained from the officer in charge of such place of detention or prison.
- (2) Where it appears to the Human Rights Commission or the Magistrate, at an inspection of the place of detention or
- 30 remand under the provisions of this Act that the place of

detention or remand, does not conform to the requirements referred to in subsection (1), such fact shall be informed–

(a) to the Inspector General of Police in cases of detention; or

5 (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, as the case may be, to take steps to the greatest extent possible, to treat the suspect
10 humanely.

(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–

(a) detained for a period exceeding one month;

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

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

20 issue a notification to the next of kin of 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;

25 (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

30 (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 IV

5 POWER AND DUTIES OF CERTAIN OFFICERS UNDER THIS ACT

- 48.** 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, Powers of police officers under this Act
- 10 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 other written law, to the extent that may be necessary for investigating and preventing offences under this Act.
- 15 **49.** (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
- 20 may take such measures-
- (a) in good-faith;
 - (b) proportionate to the harm that may be inflicted by the commission of the offence alleged to have been committed;
- 25 (c) only where all other means of achieving the objectives of this Act as specified in the Act have proved ineffective; and

- (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.

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

- 10 **50.** (1) The Inspector General of Police shall name and establish a Specialized Anti-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
Anti-
Terrorism
Agency of
the Sri Lanka
Police

- 15 (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.

- 20 (3) It shall be the duty of the Specialized Agency, to—

- (a) maintain the central database;
- (b) maintain statistics relating to the commission of offences under this Act;
- 25 (c) conduct investigations to arrest, and proceedings relating thereto in respect of 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, and develop investigation techniques and strategies, best practices and standards.

- 51.** (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 (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:-
- Appointment
of special
teams of
investigators
- (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;
 - (d) such number of crime inspection officers;
 - (e) such number of forensic medical specialists;
 - (f) such number of forensic psychologists;
 - (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;

- (j) such number of computer and automated network experts;
- (k) such number of forensic auditors;
- 5 (l) such number of experts in analogy, digital technology and mobile and satellite communication technology;
- (m) such number of photographers and videographers; and
- 10 (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).

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

- 20 (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.

- 25 **52.** (1) 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 healthcare workers,

Constitution
of support
teams

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-

- 5 (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;
- 10 (e) to deactivate explosives and other lethal and dangerous substances;
- (f) to carry out controlled explosions, in order to deactivate lethal and dangerous substances;
- (g) to remove debris;
- (h) to create access routes; and
- 15 (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.

- 20 **53.** (1) For the purposes of this Act, a police officer not below the rank of a Sub-Inspector of police who has been authorized in writing by an officer in charge of a police station to conduct an investigation in terms of this Act, shall
- Powers to facilitate investigations

be empowered to require any person who has been suspected of committing an offence under this Act or whose presence or assistance is required to conduct such investigation to—

- (a) be present for an interview;
- 5 (b) answer questions put to him;
- (c) provide information;
- (d) give statements;
- (e) give statements on affidavit or oath:
- 10 Provided that, a statement on affidavit or oath shall only be obtained on an order of a Magistrate;
- (f) tender any document or thing that may be in the possession or control of such person;
- (g) assist in conducting of an investigation;
- 15 (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; and
- (i) make himself available for taking of photographs, video recording and taking finger, palm or foot
- 20 prints where the person is suspected for committing an offence under this Act.

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

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

- (a) be informed of his right to have access to an Attorney-at-Law of his choice to obtain legal advice prior to such interview; and

- (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:

5 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
10 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.

54. Where the person in charge of any vehicle, vessel,
15 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

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

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

55. (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.

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

56. (1) For the purposes of this Act, a police officer not below the rank of a Deputy Inspector General of Police may issue directions to –

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

- (a) suspend or delay, the taking off of any aircraft, or the sailing of any vessel;
- (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.

(2) 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.

(3) 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.

57. (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 Judicial Medical Officer for examination.

Causing clinical forensic medical examinations

(2) The report of the examination shall be directly submitted by the medical specialist, 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.

58. (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 with a copy to the Magistrate before whom the suspect has been, or is to be produced.

59. (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 of that offence, falling under the purview of the investigation competency of such other law enforcement agency has been committed.

Transfer of material for investigation

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

60. (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 carryout a joint investigation into the commission of an offence under this Act, with a criminal investigation agency of any other country.

61. (1) Where a police officer not below the rank of a Senior Superintendent of Police receives reliable information that an offence under this Act is committed or is likely to be committed, he may issue any one or more of the following directives to the public, if he is of the opinion that there is a clear and present danger, and that such directive is necessary 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;
- 5 (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;
- 10 (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;
- 15 (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;
- (k) not to congregate at any particular location;
- 20 (l) not to hold a particular meeting, rally or procession; and
- (m) not to engage in any specified activity:

25 Provided however, no directive under paragraphs (a) to (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.

(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 (a) to (m).

(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.

(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) (a) 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.

(b) 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.

(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 of any armed force authorized in that behalf -

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

(b) to enter and search any premises; or

(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.

(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.

(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, commits an offence, and shall upon conviction by a Magistrate be liable to 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 V

MATERIAL FOR INVESTIGATIONS

62. (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, &c.

Obtaining
information
from banks,
financial
institutions
&c.

subject to the provisions of the Convention on the Suppression of Terrorist Financing Act, No. 25 of 2005, Prevention of Money Laundering Act, No.5 of 2006 and Financial Transactions Reporting Act, No. 6 of 2006 : -

- 5 (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;
- 10 (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;
- 15 (e) a certified statement of any account or other information pertaining to any account or transaction:

20 Provided however, such police officer shall be entitled to apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission of an offence under this Act.

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

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 telecommunication, satellite or digital service or data service provider, to
 5 provide—
- Obtaining
information
from service
providers
- (a) information pertaining to services provided or being provided by such service provider to any person;
 - 10 (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
 - 15 (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:
- 20 Provided however, such police officer shall be entitled to apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission of an offence under this Act.
- 25 (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.
- 30 (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.

- 64.** (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 in respect of an offence under this Act:-
- Obtaining information from government or statutory institutions
- (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;
 - 10 (e) Head of the Department of Foreign Exchange;
 - (f) Director of the Financial Intelligence Unit;
 - (g) Director General of the Securities and Exchange Commission of Sri Lanka;
 - (h) Director General of Customs;
 - 15 (i) Controller-General of Immigration and Emigration;
 - (j) Commissioner General for the Registration of Persons;
 - (k) Controller General of Imports and Exports;
 - (l) Registrar of Companies;
 - 20 (m) Commissioner General of Land;
 - (n) Director General of National Intellectual Property Office of Sri Lanka;
 - (o) the Registrar-General;
 - (p) Commissioner General of Motor Traffic;

- (q) Director-General of Telecommunications;
- (r) a Head of any Government department, statutory body or other Government institution; or
- 5 (s) Chairperson of a Provincial Council or a Chairperson 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 for conducting investigation.

- 10 (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.

PART VI

15 MAGISTRATE TO MAKE ORDERS TO FACILITATE INVESTIGATIONS

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

- 20 (a) restraining a suspect from travelling outside Sri Lanka;
- (b) by taking of blood, hair samples, swab and biometrics including the finger impressions of a person;
- 25 (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;

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

(e) conducting of relevant 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; or

(h) opening of safe boxes.

20 (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 subsection (1).

25 **66.** (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

30 (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;

(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; or

5 (c) to access any, analogue or digital data or information exchange or transfer system:

10 Provided however, such police officer shall be entitled to apply for an order under this section only if there exist reasonable grounds of suspicion against any person in the commission of an offence under this Act.

(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;

(f) to take measures to prevent the commission of,

25 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.

67. (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,
5 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 be inquired in order to ascertain whether such person wishes to voluntarily answer the questions put to him, and the Magistrate shall proceed to record a statement, only if he is satisfied that such person is voluntarily making such
15 statement, without any promise, inducement or threat;
- (c) a questionnaire shall be obtained from the officer in charge of the police station for the purpose of questioning such person;
- 20 (d) 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;
- 25 (e) whatever statement such person wishes to give shall be recorded, in addition to answers given to the questions put to him;
- (f) in situations where the person being interviewed, does not understand the language spoken by the Magistrate, the services of an interpreter shall be
30 obtained, in order to translate the questions and the answers into the languages understood by such person and the Magistrate; and

(g) a transcript of the interview and a video recording thereof shall be prepared and retained for future verification.

(3) Where the person who makes such statement is subsequently indicted for having committed an offence under this Act, such statement shall, subject to the provisions specified in subsection (2) of section 80 and to the provisions of section 24 of the Evidence Ordinance be admissible in evidence against such person at proceeding in respect of such offence.

(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.

(5) (a) Where the suspect declines to make a statement to the Magistrate, the Magistrate shall communicate such fact to the relevant police officer.

(b) If at the time the suspect so declines to make a statement, he is in detention in terms of a detention order or, is in remand custody, he shall be returned to detention or remand custody, as the case may be.

68. (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) A Detention Order under this Act shall not be issued or extended in respect of a suspect in respect of whom the investigation has been completed.

(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.

69. Upon 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 and plans;
 - (iv) any other material the Attorney General may specify, from time to time;
 - 20 (v) a report relating to the investigation conducted; and
 - (vi) all findings of investigations conducted by special team of investigators appointed under section 51.
 - 25

PART VII

INSTITUTION OF CRIMINAL PROCEEDINGS

70. The Attorney General shall indict and institute, undertake or carry-on criminal proceedings in respect of an offence committed by a person who under this Act and an offence committed by such person under any other law in the course of committing such offence under this Act.

Attorney
General to
institute
proceedings

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

Suspension
and
deferment of
indictment

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

(b) the security of the State and the people of Sri Lanka has 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 the institution of criminal proceedings against such person alleged to have committed an offence under this Act, for a period not exceeding twenty years.

(2) Where the Attorney General suspends or defers the institution of criminal proceedings under subsection (1), he 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

(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 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
5 such person as consideration for the suspension and deferment of the institution of criminal proceedings against such person:-

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

(4) The High Court shall, upon consideration of the 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
25 the conditions imposed by the Court and be afforded an opportunity to be heard and consent to the conditions so imposed by the Court.

(5) If such person fulfils the conditions imposed under subsection (4) during the period stipulated for fulfilling such
30 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 with such conditions, the Attorney General may with notice to the suspect, institute criminal proceedings against such person after the lapse of the period given to the suspect to
 5 fulfil such conditions.

PART VIII

TRIAL

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

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 the Code of Criminal Procedure Act,
 15 where-

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

73. (1) Notwithstanding any other provision of this Act or any other law, the Secretary to the Ministry of the Minister assigned the subject of Defence may, if he is of opinion that it is necessary or expedient to do so, in the interest of national
 25 security and public order, make Order, subject to such directions as may be given by the High Court to ensure a fair trial of such person, that such person be kept in the custody of any authority, in such place and subject to such conditions as may be determined by him having regard to such interests. Detention until conclusion of trial

30 (2) Any order made under subsection (1) shall be

communicated to the High Court and to the Commissioner General of Prisons and it shall be the duty of such Commissioner General, to deliver the custody of such person to the authority specified in such order and the provisions of the Prisons Ordinance (Chapter 54) shall cease to apply in relation to the custody of such person.

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

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

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

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
- (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 accused.

(2) When the Attorney General withdraws the indictment under subsection (1), he shall pay due regard to the views of the victims of the offence and the representations that may be made by the accused person or on his behalf by his
5 Attorney-at-Law.

(3) The Attorney General may impose one or more of the following conditions as specified in subsection (1):-

- 10 (a) to publicly express remorse and apology before the High Court, using a text issued by the Attorney General;
- (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;
- 15 (d) to publicly undertake that he refrains from committing an offence under this Act or under any other law;
- (e) to engage in specified community or social service; and
- 20 (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 such conditions, the Attorney General shall not present a
25 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 fresh indictment against the accused on the same charges in
30 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 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
 5 such person on bail, unless the delay in the completion of the trial can be attributed to the conduct of the accused or his Attorney-at-Law:

Grant of bail
during High
Court trial

Provided however, a person who is suspected or accused to have committed or have committed an offence punishable
 10 with death or life imprisonment under this Act shall not be released on bail by a Judge of the High Court except in exceptional circumstances.

79. Notwithstanding an appeal made against a conviction or the sentence imposed on a person under this Act, the
 15 Court of Appeal may in exceptional circumstances release on bail such person subject to such conditions as the Court of Appeal may deem fit:

Bail on
exceptional
circumstances

Provided however, where an appeal has been made by a person on whom the death sentence has been imposed for an
 20 offence committed under this Act, such sentence shall not be executed on such person until an appeal made under this section has been determined and such person shall be kept in prison on remand until such time.

PART IX

25 ADMISSIBILITY OF STATEMENTS

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

Statements
made to a
Magistrate

30 (2) (a) A person shall not 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.

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

Pre-conditions 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 *vire-dire* inquiry, that may be conducted for verifying the admissibility of the confessional statement.

PART X

MISCELLANEOUS ORDERS

82. (1) Notwithstanding anything in any other written law, where the President has reasonable grounds to believe
5 that any organization is engaged in any act amounting to an offence under this Act, or is acting in an unlawful 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
10 such organization in terms of the provisions of this Act.

President to
make
Proscription
Orders

(2) A Proscription Order may be made by the President, 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) prohibiting any person being a member of such organization;
- (b) prohibiting such organization recruiting members to such organization;
- (c) prohibiting any person acting in furtherance of the objectives of such organization;
- 25 (d) prohibition on conducting meetings, activities and programmes by such organization;
- (e) prohibition on the use or mobilization of bank accounts and other financial depositories of such organization;

- (f) prohibition to entering into contracts;
 - (g) prohibition on raising of funds and receiving grants and bequests;
 - 5 (h) prohibition to transferring funds and assets of the organization;
 - (i) prohibition for lobbying and canvassing on behalf of such organization; or
 - 10 (j) prohibiting any person by publication of any material in furtherance of the objects 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
- 15 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,
- 20 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.
- 25 (6) The President 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.
- 30 (7) (a) A Proscription Order made under this section may be initially issued for a period of one year.

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

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

- 10 **83.** (1) Where on a recommendation made by the Inspector General of Police, the President 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 him being arrested, and if the President is of the opinion that it is
 15 necessary to do so, the President 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.

President to
make
Restriction
Orders

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

- (a) the movement outside the place of residence;
- (b) travelling overseas;
- (c) travelling within Sri Lanka;
- 25 (d) travelling outside the normal route between the place of residence and place of employment;
- (e) the communication or association, or both, with particular persons as shall be specified in the Order;
or
- 30 (f) engaging in certain specified activities that may facilitate the commission of an offence under this 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) A Restriction Order under subsection (1) shall be made,
5 only if 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;

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

(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.
15

(5) The court shall cause any such Restriction Order to be served on the person in respect of whom such Order was made, and require the Inspector General of police to take
20 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 Order was made, to be recorded, within one week of making
25 thereof and submit it to the President, enabling the President to determine whether the said Order shall be revoked or varied.

(b) Prior to recording the statement, the relevant person shall be informed of his rights under this Act, and be informed
30 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.

5 (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:

10 Provided however, 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.

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

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

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

25 (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 Appeal, seeking revision or revocation of such Order.

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

84. (1) Notwithstanding the provisions of the Public Security Ordinance (Chapter 140), the President may by Order published in the *Gazette* (hereinafter referred to as a "Curfew Order") declare curfew under this Act, for a period specified in such Order, 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 provisions of subsection (3).

(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
- (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.

(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-

- (a) specify categories of persons who are exempted from the application of such Order;
- (b) specify any person who may be authorized to issue permits-

- (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 of maintaining essential services and supplies, emergency requirements and humanitarian needs, as may be specified in such permit.
- (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) A person who willfully violates a Curfew Order, commits an offence, and upon conviction by a Magistrate be liable to a fine not exceeding rupees three hundred thousand.
- (8) 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.
- 85.** (1) For the purposes of this Act, the President 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 any other location to be a prohibited place (hereinafter referred to as the "Prohibited Place").
- (2) The Order under subsection (1) shall include prohibitions on the entry, and where necessary, may include prohibitions on taking photographs, video recording and 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.

Prohibited
Places

(4) 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 (5) 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 President, 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.

- (6) Any person willfully contravenes an Order made under subsection (1) by entering or remaining in a prohibited place without lawful authority, commits an offence, and shall on
15 conviction be 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.

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

- 86.** (1) Any police officer may seize any movable
25 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
30 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
5 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
10 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
- (b) such person had exercised due diligence to prevent
15 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 property movable or immovable used in the commission of
20 such offence or derived out of such offence, be forfeited and confiscated to the State.

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

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

(9) Any person aggrieved by an order made under this 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 XI

5

SENTENCING GUIDELINES

- 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: -
- (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;
 - 15 (b) the effect of the commission of the relevant offence on the security or defence of Sri Lanka;
 - (c) the number of lives lost due to the commission of the offence;
 - 20 (d) whether the commission of the offence has given rise to public disquiet;
 - (e) injuries or harms inflicted on any person in or outside Sri Lanka;
 - 25 (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;
 - (h) the impact on the peaceful co-existence of the people of Sri Lanka;
 - 30 (i) financial and material loss caused to the Government of Sri Lanka and to the general public;

(j) financial and other resources required for the reparation and restoration of the damages caused; and

5 (k) any other factor as may be determined by the court to be taken into account as an aggravating factor.

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:-

- (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;
- 15 (e) time period spent in detention or remand;
- (f) coercion or duress under which the offence had been committed;
- (g) voluntarily providing of reparation by the accused to the victims of the offence;
- 20 (h) public denouncement of violence, and other offences in respect of which the accused was convicted of guilty;
- (i) genuine commitment towards the preservation and protection of the territorial integrity and sovereignty of Sri Lanka;
- 25 (j) voluntarily participating in and completing a rehabilitation programme, stipulated by the court; or

- (k) any other factor as may be determined by the court to be taken into account as a mitigating factor.

5 **89.** (1) The President shall appoint an Independent Review Panel (hereinafter referred to as the "Review Panel") consisting of three persons from among the persons who have expertise in the fields of human rights law and criminal justice.

Independent
Review Panel

10 (2) One of the members of the Review Panel shall be appointed by the President as the Chairperson of the Review Panel.

90. Every member of the Review Panel shall hold office for a period of three years from their appointment, unless such member vacates office prior to the expiration of such term.

Term of
office of
members

15 **91.** (1) Any member who vacates office, otherwise than by removal under subsection (3), shall be eligible for re-appointment.

Vacation of,
and removal
from office
of members

(2) The office of a member shall become vacant-

- (a) upon the death of such member;
- 20 (b) upon such member resigning such office by writing addressed to the President;
- (c) upon such member being removed from office on any ground specified in subsection (3) hereof; or
- (d) on the expiration of such member's term of office.
- 25 (3) A member of the Review Panel may be removed from office by the President, if such person-
- (a) is adjudged an insolvent by a court of competent jurisdiction;

- (b) in the opinion of the President, is found to have a conflict of interest with his duties as a member of the Review Panel;
 - 5 (c) is unfit to continue in office by reason of infirmity of mind or body;
 - (d) is declared to be of unsound mind by a court of competent jurisdiction; or
 - (e) is convicted of an offence involving moral turpitude.
- 10 (4) The Chairperson may resign from the office of Chairperson by letter addressed to the President.
- (5) Subject to the provisions of subsection (3), the term of office of the Chairperson shall be the period of membership of the Review Panel.
- 15 (6) (a) If the Chairperson of the Review Panel becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other reason, the President may appoint any other member of the Review Panel to act in his place.
- 20 (b) If a member of the Review Panel becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other reason, the President may appoint any other person to act in his place.
- 25 (c) The provisions of sections 89 and 91 shall apply in respect of any person appointed as Chairperson or member.
- (7) The Chairperson or any member of the Review Panel may resign from office at any time by letter addressed in that behalf to the President and such resignation shall take effect
 - 30 upon being accepted by the President.

(8) (a) In the event of death, resignation or removal from office of any member, the President shall subject to the provisions of sections 89 and 91 appoint another person to such office.

5 (b) The President shall appoint the member for the purposes of paragraph (a) within one month of the occurrence of such vacancy.

(c) The member appointed under paragraph (a) shall hold office for the unexpired period of the term of office of the
10 member whom he succeeds.

92. Powers and functions of the Review Panel shall be to-

Powers and
functions of
the Review
Panel

(a) meet with police officers, members of armed forces and coast guard officers in order to review the
15 manner of exercising their powers and discharging their functions under this Act;

(b) have access to relevant information and other material required for the exercise of powers of the Review Panel under this Act;

20 (c) conduct confidential interviews with persons as the Review Panel deems necessary;

(d) advise the police officers, members of armed forces and coast guard officers with regard to the exercise of powers and discharge of functions under this
25 Act, in compliance with the fundamental rights guaranteed by the Constitution;

(e) advise the President on the needs of the police officers, members of armed forces and coast guard officers with regard to the training of personnel, procurement of equipment and other relevant
30 matters;

- (f) receive complaints if any, with regard to the alleged violations of fundamental rights consequent to the exercise of powers and discharge of functions under this Act;
- 5 (g) receive and consider appeals made under section 40;
- (h) provide annual reports and other reports as the President deems necessary, to the President and Parliament with regard to-
- 10 (i) the exercise of powers by police officers, members of armed forces and coast guard officers;
- (ii) the allegations on violation of fundamental rights consequent to such exercise of powers;
- 15 (iii) the needs of such officers for training, equipment, standard setting or other matters; and
- (iv) suggestions for reform of the relevant written law:
- 20 Provided however, the Review Panel shall not include details of any specific information in such reports, the disclosure of which the Panel reasonably believes may be prejudicial to any matter under investigation; and
- 25 (i) subject to the provisions of paragraphs (f) and (g), to maintain strict confidentiality with regard to information disclosed to the Review Panel.

93. (1) The members of the Review Panel (for the limited purpose of their functions under this Act), shall be deemed to be “public servants” for the purposes of the Penal Code, the Bribery Act (Chapter 26) and the Evidence Ordinance.

Members deemed to be public servants

(2) The Review Panel shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

5 **94.** (1) The President shall lay before Parliament, within three months of the end of each year, the reports of the Review Panel, and an annual report which shall include details relating to -

Reports of
the Review
Panel and
annual report

10 (a) the exercise of powers by police officers, officers and members of armed forces and coast guard officers under this Act;

(b) the regulations, directions and orders made under this Act; and

15 (c) complaints or allegations, if any, made with regard to the violation of fundamental rights of any person, pursuant to the exercise of powers by the police officers, members of armed forces and coast guard officers:

20 Provided that, the President shall not provide confidential information which he reasonably believes may be prejudicial to any matter under investigation.

(2) Parliament may refer such reports to any specified committee of Parliament for further scrutiny.

PART XII

GENERAL

25 **95.** Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, 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.

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

96. The provisions of Children's Ordinance (Chapter 23) shall apply to any child who is found guilty and convicted for having committed an offence under this Act.

Children's
Ordinance to
apply

97. Where an offence under this Act is committed by a body of persons, if that body of persons is-

Offences by
bodies of
persons

(a) a body corporate, every director and principal executive officer of that body corporate; or

(b) a firm, every partner of that firm; or

(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:

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.

98. (1) The President may make regulations, for the purpose of carrying out or giving effect to the purposes, principles and provisions of this Act.

Regulations

(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 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.

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

99. (1) The President may from time to time, issue directions subject to the provisions of this Act, which shall apply to police officers, members of armed forces and coast guard officers pertaining to the manner in which the provisions of this Act shall be enforced.

(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 with the human rights norms and standards recognized by law.

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

100. (1) The President 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 71, or the Attorney General has withdrawn indictments under section 77.

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

- (a) objectives to be achieved by the conduct of the programme;
- (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;
- (f) the duration of the programme; and

- (g) any other matter relating to the implementation of any rehabilitation programme under this section.

5 **101.** 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

10 **102.** 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 XIII

15 REPEAL AND TRANSITIONAL

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

Repeal of Act, No.48 of 1979

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

Transitional provisions

- 25 (a) any investigation, trial, appeal or application conducted, 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;
- 30 (b) any person suspected of having committed or concerned in committing an offence under the repealed Act prior to the date of commencement of

5 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, as nearly as may be practicable, under the provisions of this Act:

10 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 71 of this Act;

15 (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, entered or made under the corresponding provisions of this Act and be enforced and given effect accordingly.

20 (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*
 25 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.

30 **105.** (1) In this Act, unless the context otherwise Interpretation requires-

“aircraft” includes a helicopter;

“armed forces” means Sri Lanka Army established under the Army Act

(Chapter 357), Sri Lanka Navy established under the Navy Act (Chapter 358) and Sri Lanka Air Force established under the Air Force Act (Chapter 359);

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

10 “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));

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

20 “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;

“confidential information” means-

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

30 (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-

- (i) the persons of the police, armed forces or Department of Coast Guard;
- 5 (ii) the functions, movements or whereabouts of a specified person;
- (iii) a prohibited place or an approved place of detention;
- 10 (iv) the conduct of investigations into offences under this Act, findings of such investigations, persons arrested and detained and identity of officers conducting investigations;
- 15 (c) any information relating to the police or the armed forces, on the conduct of any official activity, including any law enforcement or
- 20 military measure which is intended to be carried out or is being carried out, or has been carried out;
- 25 (d) any secret code, word, password or encryption detail relating to national security and defence;
- 30 “Controller General of Immigration and Emigration” means the Controller General appointed under section 4 of the Immigrants and Emigrants Act (Chapter 351);

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

5 “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;

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

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

20 “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;

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

30 “Director General of the Securities and Exchange Commission of Sri Lanka” means the Director General appointed under section 19 of the Securities and Exchange Commission of Sri Lanka Act, No. 19 of 2021;

- “Director General of Telecommunications” means the Director General appointed under section 22B of the Sri Lanka Telecommunication Act, No. 25 of 1991;
- 5 “Evidence Ordinance” means the Evidence Ordinance (Chapter 14);
- “gratification” has the same meaning assigned to such expression in the Bribery Act (Chapter 26);
- 10 “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;
- 15 “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.
- 20 “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);
- 25 “person” means an individual, group of individuals, an association, organization or body of persons;
- “Police Ordinance” means the Police Ordinance (Chapter 53);

- “proscribed terrorist organization” includes any organization proscribed under a regulation made in terms of the United Nations Act, No.45 of 1968;
- 5 “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 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 –
- (a) offence under this Act; or
- 25 (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
10 complaint, an investigation or
 inquiry could be commenced or
 has commenced or is likely to
 commence, 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
20 information or made a statement
 containing an account of matters
 in 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

5 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;

10 (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
15 proceeding before such court or
Commission; or

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

20 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
25 such person, an expert witness and a
person who has been summoned to
testify before a court or a Commission
on behalf of a person suspected or
accused of the alleged commission of
30 an offence under this Act.

(2) Any word or expression used in this Act and defined
in the Penal Code or the Code of Criminal Procedure Act,
but not defined in this Act shall have the same meaning
assigned to such word or expression by the Penal Code or
35 the Code of Criminal Procedure Act respectively.

106. 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 26(1)]

Notification 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 notification is being issued:-
8. Date and place of issue of the notification:-
9. Name, designation and signature of the officer issuing the notification:-

Second Schedule

[section 26(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 26(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:-

