

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

Part II of September 18, 2026

SUPPLEMENT

(Issued on 22.09.2026)



PROTECTION OF THE STATE FROM TERRORISM

A

BILL

to provide 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 use of the territory of the Republic of Sri Lanka 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

Ordered to be published by the Minister of Justice and National Integration

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 303.00

Postage : Rs. 150.00

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



Table of sections

<i>Section</i>		<i>Page No.</i>
----------------	--	-----------------

	Preamble	1
1	Short title and date of operation	2

PART I

APPLICATION OF THE ACT

2	Application of the Act	3
---	------------------------	---

PART II

OFFENCES AND PENALTIES

3	Offence of terrorism	5
4	Penalty for the offence of terrorism	7
5	Penalty for attempt & c to commit the offence of terrorism	8
6	Offences associated with proscribed organisations	9
7	Specified acts	9
8	Acts associated with terrorism	10
9	Inducement to terrorism	11
10	Dissemination of terrorist publication	11
11	Statements and publication for the purpose of sections 9 and 10	12
12	Training for terrorism	13
13	Penalty for committing offences under section 6, 7, 8, 9, 10 or 12	14
14	Penalty for attempt & c to commit offences under section 6, 7, 8, 9, 10 or 12	14
15	Failure to provide information to be an offence	14
16	Contravention of the provisions of this Act & c. to be an offence	16
17	Recovery of fine by forfeiture of property	16
18	Offences to be cognizable	17

PART III

SEARCH, ARREST, DETENTION AND INVESTIGATION OF OFFENCES

19	Extension of powers, duties and functions of a Police Officer	17
20	Power to stop and search	17
21	Information to be provided at the time of arrest	18
22	Arrest, search and questioning to be made with due regard to privacy	19
23	Procedure when an arrest is made by a police officer	19
24	Procedure when an arrest is made by a member of the armed forces or a coast guard officer	20
25	Notification of the arrest	21
26	A suspect arrested to be produced before a Magistrate	22

27	Detention Order and maximum period of detention	24
28	Extension of detention beyond two months to be only with the approval of the High Court	25
29	Suspect may be released on bail	27
30	Establishment of Independent Review Committee	27
31	Magistrate to direct the suspect to a medical examination	29
32	A suspect subject to a Detention Order to be placed in an approved place of detention under approved conditions of detention	30
33	Magistrate to visit the approved place of detention	30
34	Suspect to be treated humanely	31
35	Notification of detention to the Human Rights Commission of Sri Lanka	32
36	Human Rights Commission of Sri Lanka to visit an approved place of detention	32
37	Completion of investigations and release of suspects	33
38	Police officer to have access to the suspect in remand or prison	33
39	Detention during remand or prison custody	34
40	Suspect remanded or detained to have access to an Attorney-at-Law & c. in remand or detention	36
41	Application of the Code of Criminal Procedure Act	37

PART IV

POWERS AND DUTIES OF CERTAIN OFFICERS TO FACILITATE INVESTIGATIONS UNDER THIS ACT

42	Duty of certain officers to prevent the commission of offences under this Act	37
43	Joint investigations	38
44	Powers to facilitate investigations	39
45	Use of force to stop any vehicle, vessel, & c.	41
46	Taking over the control of any vehicle, vessel, & c.	41
47	Suspension or delaying the taking off or sailing of a vessel, aircraft, & c.	41
48	Medical examinations	43
49	Submitting items to the Government Analyst or other expert	43
50	Investigations outside Sri Lanka	44
51	Police may issue directives for the protection of the public	44

PART V

DEFERMENT OF INSTITUTION OF CRIMINAL PROCEEDINGS, SUSPENSION OF PROSECUTION AND TRIAL

52	Deferment of the institution of criminal proceedings	46
53	Suspension of prosecution	48

54	Detention until conclusion of trial	51
55	Proceedings under this Act to have priority in court	52

PART VI

ADMISSIBILITY OF STATEMENTS

56	Magistrate to record statements	52
57	Statements made to a Magistrate	54
58	Preconditions to be satisfied for the admissibility of a statement made to a Magistrate	54

PART VII

MISCELLANEOUS ORDERS

59	Proscription Orders	55
60	Restriction Orders	57
61	Orders relating to prohibited places	59

PART VIII

SENTENCING GUIDELINES

62	Aggravating factors	61
63	Mitigating factors	62

PART IX

GENERAL PROVISIONS

64	Establishment and maintenance of a Central data base	63
65	Children's Ordinance to apply	63
66	Protection of officers & c.	63
67	Offences by bodies of persons	64
68	Regulations	64
69	Directions	65
70	This Act to prevail over other written laws	66
71	Judicial review	66
72	Repeal of Act, No.48 of 1979	66
73	Transitional provisions	66
74	Interpretation	69
75	Sinhala text to prevail in case of inconsistency.	73

<i>Section</i>	<i>Page No.</i>
FIRST SCHEDULE	73
Treaties	
SECOND SCHEDULE	74
Notification of the arrest and custody	
THIRD SCHEDULE	74
Notification of the arrest to the Human Rights Commission of Sri Lanka	
FOURTH SCHEDULE	75
Notification of the arrest to the Inspector General of Police	
FIFTH SCHEDULE	75
Detention Order	

Protection of the State from Terrorism

L.D. - O 37/2026

AN ACT TO PROVIDE 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 USE OF THE TERRITORY OF THE REPUBLIC OF SRI LANKA 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, the Government of Sri Lanka considers the safeguarding of national security to be of paramount importance for the purpose of securing due recognition and respect for the rights and freedoms of the people of Sri Lanka and for the protection of territorial integrity and the sovereignty of the people of Sri Lanka:

Preamble

AND WHEREAS it is recognised that the protection of public safety must be pursued in accordance with the principles of the rule of law, and with full respect for fundamental rights and freedoms guaranteed under the Constitution and the rights to liberty, security of the person, fair trial and freedom from arbitrary detention, as guaranteed under the international human rights instruments:

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

PL 15913 - 460 (08/2026)

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, Sri Lanka is under an obligation to enact laws to give domestic legal effect to international instruments relating to countering any act of terrorism and related acts to which Sri Lanka has become a signatory:

10 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 of Sri Lanka to protect Sri Lanka and its people and property from acts of terrorism and related acts:

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

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

1. (1) This Act may be cited as the Protection of the State from Terrorism Act, No. of 2026. Short title
and date of
operation

(2) The provisions of this Act other than this section shall
 25 come into operation on such date as the Minister may appoint by Order published in the *Gazette*. (in this Act referred to as the “appointed date”)

(3) The provisions of this section shall come into operation on the date on which the Bill becomes an Act of Parliament.

PART I

APPLICATION OF THE ACT

2. (1) The provisions of this Act shall apply to any person who commits an offence under this Act, including - Application of
the Act

- 5 (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 –
- 10 (i) wholly or partly, in Sri Lanka;
- (ii) in or over the territorial waters of Sri Lanka;
- (iii) in the airspace of Sri Lanka;
- 15 (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 a an aircraft or vessel within the territory of the Republic of Sri Lanka, including the territorial waters and airspace of the territory of the Republic of Sri Lanka;
- 20 (vi) wholly or partly within the premises of a diplomatic or consular mission of Sri Lanka or in respect of such premises, or a consular Office of Sri
- 25

Lanka, or at the residence of the Head of such diplomatic or consular mission or the residence of any diplomatic or consular officer or any other employee of such mission;

5

(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 such premises, or within the residence of an employee of such statutory board; and

10

(c) any person who commits an offence under this Act, within or outside the territory of the Republic of Sri Lanka in respect of -

15

(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.

(2) For the purpose of this section, “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 of Sri Lanka by or under any written law; and

25

(c) any company registered or incorporated under the Companies Act, No. 07 of 2007, in which the Government or a public corporation holds fifty *per centum* or more of the shares of that company.

30

PART II

OFFENCES AND PENALTIES

3. (1) Any person who, intentionally or knowingly, commits any act which causes a consequence specified in subsection (2), with the purpose of-

Offence of
Terrorism

- (a) provoking a state of terror in the public or a group of persons; or
- (b) unduly compelling a government or an international organisation, to do or to abstain from doing any act,

in order to advance a political or ideological objective, commits the offence of terrorism.

(2) A consequence referred to in subsection (1) shall be -

- (a) death of a person;
- (b) grievous hurt;
- (c) hostage taking;
- (d) serious damage to any place of public use, any public property, any public or private transportation system or any infrastructure facility, which causes a likelihood of danger to life or substantial economic loss;
- (e) serious or long-term damage to the environment, which causes a likelihood of danger to life or substantial economic loss;
- (f) serious risk to the health and safety of the public or a section of the public, which causes

a likelihood of danger to life or substantial economic loss;

- 5 (g) disablement, destruction of, extensive damage to, or interference with any electronic or automated or computerised system or network, including critical information infrastructure or cyber environment of domains assigned to, or websites registered with such domains assigned to Sri Lanka, which causes a likelihood of
10 danger to life or substantial economic loss;
- (h) destruction to tangible cultural property, which causes a likelihood of danger to life or substantial economic loss or serious loss of cultural heritage of national or international significance;
- 15 (i) extensive obstruction or damage to, or interference with any electronic, analogue, digital or other wire-linked or wireless transmission system, including signal transmission and any other frequency-based transmission system,
20 which causes a likelihood of danger to life or substantial economic loss; or
- (j) an act which constitutes an offence under the relevant enactment, within the scope of or within the definition of any of the Treaties specified in
25 the First Schedule.

(3) For the purpose of subsection (2)-

“hostage taking” means the seizure or detention of a person, accompanied by a threat to kill, injure, or continue to detain that person; and

“place of public use” includes any highway and any other premises or place to which at the material time the public has or is permitted to have access, whether as of right or otherwise.

5 (4) The fact that a person-

- (a) engages in any protest, advocacy or dissent or engages in any strike, lockout or other industrial action; or
 - (b) engages in the provision of humanitarian and medical activities by humanitarian organisations in accordance with written law,
- 10

is not by itself a sufficient basis for inferring that such person-

- (i) commits or attempts, abets, conspires, or prepares to commit any act with the intention or knowledge as specified in subsection (1); or
 - (ii) intends to cause or knowingly causes an outcome specified in subsection (2).
- 15

4. Any person who-

- (a) commits the offence specified in subsection (1) of section 3, read with paragraph (a) of subsection (2) of section 3, shall, on conviction by the High Court, be punished with a term of imprisonment which may extend to imprisonment for life;
- 20

Penalty for
the offence of
terrorism

- (b) commits the offence specified in subsection (1) of section 3 read with paragraphs (b), (c), (d), (e), (f), (g), (h) or (i) of subsection (2) of section 3 shall, on conviction by the High Court, be liable to rigorous imprisonment for a term not exceeding twenty years and to a fine not exceeding rupees twenty million;
- (c) commits an offence specified in paragraph (j) of subsection (2) of section 3 shall, on conviction by the High Court, be liable to the same term of imprisonment, fine, or both, as prescribed in the relevant enactment:

Provided that, where the sentence of death is prescribed for such offence under that enactment, such sentence shall, for the purposes of this Act, be deemed to be a term of imprisonment which may extend to imprisonment for life.

5. (1) Any person who attempts, abets or conspires to commit the offence of terrorism under section 3 or does any act preparatory to the commission of an offence under section 3, and if, as a result of such attempt, abetment, conspiracy or preparation, the offence of terrorism under section 3 is committed, such person shall be liable to the same penalty imposed for the offence of terrorism.

Penalty for attempt & c to commit the offence of terrorism

(2) If, as a result of such attempt, abetment, conspiracy or preparation referred to in subsection (1), the offence of terrorism under section 3 is not committed, such person shall, on 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 fifteen million.

6. Any person who, within Sri Lanka or outside Sri Lanka, intentionally- Offences associated with a proscribed organisation

- (a) joins a proscribed organisation;
- (b) recruits any person for a proscribed organisation;
- 5 (c) provides funds, financial services, properties, equipment, training, logistical assistance or other material support or resources to a proscribed organisation; or
- 10 (d) organises, facilitates, participates in any activity of, or directs a proscribed organisation,

commits an offence under this Act:

Provided that-

- 15 (i) mere expression of opinion, belief or sympathy or the peaceful exercise of rights to freedom of expression, association or assembly, without the provision of material support or active participation shall not constitute an offence; and
- 20 (ii) nothing in this subsection shall be construed as restricting an Attorney-at-Law from discharging his professional duties in accordance with law.

25 7. Any person who-

Specified acts

- (a) commits an offence under Part III (Offences Against Victims and Witnesses) of the Assistance

to and Protection of Victims of Crime and
Witnesses Act, No. 10 of 2023, with regard to a
victim of an offence under this Act or a witness
to the commission of an offence under this
Act; or

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

10 commits an offence under this Act.

8. (1) Any person who harbours, conceals, wrongfully prevents, hinders or interferes with the identification, arrest, custody or detention of a person knowing that such person has committed an offence under this Act commits an offence
15 under this Act. Acts
associated
with terrorism

(2) Any person who knowingly or having reasonable grounds to believe that any confidential information will be used by any other person to commit, attempt, abet, conspire to commit, or prepare to commit an offence under this Act-

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

- (b) supplies such information to a person,

commits an offence under this Act:

25 Provided that nothing in this subsection shall be construed
as preventing a person from gathering or supplying
information where the public interest in such gathering or
supply outweighs the harm likely to result from it.

9. (1) Any person who, with the intention of directly or indirectly inducing the public or any section of the public, to commit, attempt, abet, conspire to commit or prepare to commit, the offence of terrorism, publishes or causes to be published any statement, or speaks any word or words, or makes any sign or visible representation, commits an offence under this Act. Inducement to terrorism

(2) Any person who, with the knowledge of directly or indirectly inducing the public or any section of the public, to commit, attempt, abet, conspire to commit or prepare to commit, an offence of terrorism, publishes or causes to be published any statement, or speaks any word or words, or makes any sign or visible representation, commits an offence under this Act.

10. (1) Any person who, with the intention or knowledge of directly or indirectly inducing the public, a section of the public, or any person to commit, attempt, abet, conspire to commit, or prepare to commit, the offence of terrorism- Dissemination of terrorist publication

- (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;
- (e) transmits the contents of a terrorist publication; or
- (f) keeps a terrorist publication in his possession,

commits an offence under this Act.

(2) For the purposes of subsection (1), a “terrorist publication” means a publication which is—

- 5 (a) a direct or indirect inducement to commit, attempt, abet, conspire to commit or prepare to commit the offence of terrorism; or
- (b) useful in the commission of, or attempt, abetment, conspiracy to commit or preparation to commit, the offence of terrorism.

10 (3) Nothing in this section shall apply to the collection, possession, access, or dissemination of any publication in good faith and for a lawful purpose, including journalism, academic or scientific research, education, artistic expression, legal proceedings, or the dissemination of information in the public interest.

15 **11.** (1) For the purpose of sections 9 and 10, a “statement” “word”, “sign” “visible representation” or “publication”, as the case may be, shall not include a statement, word, sign, visible representation or publication made in good faith and for a lawful purpose that constitutes-

Statement and publication for the purpose of sections 9 and 10

- 20 (a) fair and accurate reporting, commentary, or analysis by journalists or media organisations;
- (b) academic, scientific, or educational research or discussion;
- 25 (c) the work of civil society organisations, including human rights documentation, advocacy, or public interest communication;
- (d) legal advice or representation used in judicial or administrative proceedings;

- (e) artistic, literary, cultural, or religious expression, including satire, parody, or creative work;
- (f) the expression of an opinion, belief, criticism, or dissent, including legitimate political discourse; or
- (g) the communication or dissemination of information for the benefit of the public on matters of public interest.

(2) For the avoidance of doubt, the mere expression of opinion, belief, sympathy, criticism, or dissent, without the intention to incite the commission of the offence of terrorism and without creating a real and objective risk of such an offence, shall not constitute an offence under this Act.

12. (1) Where a person provides instruction or training, knowing or having reasons to believe that, at the time such person provides such instruction or training, the person receiving the instruction or training intends to use or is likely to use the skills in which such person is being instructed or trained for or in connection with the commission, attempt, abetment, conspiracy to commit or preparation to commit the offence of terrorism under section 3, such person commits an offence under this Act.

Training for
terrorism

(2) Where a person receives instructions or training, intending, at the time of receiving the instruction or training, to use the skills in which such person is being instructed or trained, for or in connection with the commission, attempt, abetment, conspiracy to commit or preparation to commit the offence of terrorism, such person commits an offence under this Act.

(3) For the purposes of this section, “instruction or training” means instruction or training –

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

13. Any person who commits an offence under section 6, 7, 8, 9, 10 or 12 shall, on conviction by the High Court, be liable to rigorous imprisonment for a term not exceeding fifteen years or to a fine not exceeding rupees fifteen million or to both such imprisonment and fine.

Penalty for committing offences under section 6, 7, 8, 9, 10 or 12

14. (1) Any person who attempts, abets or conspires to commit an offence under section 6, 7, 8, 9, 10 or 12 or does any act preparatory to the commission of an offence under such sections and if, as a result of such attempt, abetment, conspiracy or preparation, an offence under the section 6, 7, 8, 9, 10 or 12 is committed, such person shall be liable to the same penalty imposed for such offence.

Penalty for attempt & c to commit offences under section 6, 7, 8, 9, 10 or 12

(2) If, as a result of such attempt, abetment, conspiracy or preparation referred to in subsection (1), an offence under section 6, 7, 8, 9, 10 or 12 is not committed, such person shall, on conviction by the High Court, be liable to rigorous imprisonment for a term not exceeding ten years or to a fine not exceeding rupees ten million or to both such imprisonment and fine.

15. (1) Any person who-

Failure to provide information to be an offence

- (a) knowing or having reasons to believe that any other person -

- (i) is making preparation, attempting, abetting or conspiring to commit an offence under this Act; or
 - (ii) has committed an offence under this Act,
- 5 fails to provide such information, or provides false or misleading information to a police officer; or
- 10 (b) having in his possession any information relating to the whereabouts of any person whom he knows 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,
- 15 commits an offence under this Act and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding seven years or to a fine not exceeding rupees seven million or to both such imprisonment and fine.
- 20 (2) It shall be a defence for a person charged with an offence under subsection (1) to prove that he had a reasonable excuse for the failure to provide information as required under that subsection, and such “reasonable excuse” includes failure to provide-
- 25 (a) legally protected information;
- (b) information covered by professional secrecy; and
- (c) information which amounts to self-incriminating evidence.

16. Any person who willfully-

Contravention
of the
provisions of
this Act & c to
be an offence

- (a) violates or acts in contravention of a lawful directive, order, direction or regulation issued or made in terms of this Act;
- 5 (b) fails or neglects to comply with a directive, order, direction or regulation issued or made 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 self-incriminating statement under this paragraph;

- 15 (d) prevents or hinders the implementation of a lawful directive, order or direction issued or made under this Act; or
- (e) prevents or obstructs the enforcement of the provisions of this Act or regulation made thereunder,
- 20

commits an offence, and shall, on conviction by the High Court, be liable to imprisonment of either description for a term not exceeding two years and to a fine not exceeding two million.

- 25 **17. Where any fine imposed under this Act remains unpaid in default of payment, the High Court may order that such movable or immovable property of the defaulter, as it considers equivalent in value to the amount of the fine, be forfeited to the Republic. Any sum realised from the sale of such property in excess of the amount of the fine shall be refunded to the person from whom the property was forfeited.**
- 30

Recovery
of fine by
forfeiture of
property

18. Any offence under this Act shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure Act.

Offences to be
cognizable

PART III

5 **SEARCH, ARREST, DETENTION AND INVESTIGATION OF OFFENCES**

19. Notwithstanding anything to the contrary contained in any other written law, all powers, duties and functions conferred or imposed upon a police officer under the Code of Criminal Procedure Act in relation to the search and arrest of a suspect shall *mutatis mutandis* apply to any member of the armed forces or a coast guard officer in relation to an offence committed under this Act, subject to the provisions of subsection (1) of section 24.

Extension of
powers, duties
and functions
police officer

15 **20.** (1) Where there is a reasonable suspicion of the commission of an offence under this Act, a police officer, a member of the armed forces or a coast guard officer (in this Part referred to as the “arresting officer”) may, subject to the provisions of subsection (1) of section 24-

Power to stop
and search

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

(2) The provisions of subsections (2) and (3) of section 47 shall, *mutatis mutandis*, apply in respect of giving notice to the relevant authorities in the exercise of the powers under this section, in relation to a vessel or an aircraft.

5 (3) Any such document, thing or article so taken into custody including all items found in the possession of the suspect or at the place of arrest or in pursuance of such arrest by a police officer in terms of paragraph (d) of subsection (1) shall, forthwith, be produced before the officer in charge
10 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) Any document, thing or article so taken into custody including all items found in the possession of the suspect
15 or at the place of arrest or in pursuance of such arrest by a member of the armed forces or a coast guard officer in terms of paragraph (d) of subsection (1) shall, forthwith, be handed over to the officer in charge of the nearest police station.

(5) The officer in charge of the police station referred to
20 in subsections (3) and (4) shall furnish a report in that regard to the Magistrate, who shall make an appropriate order with regard to the possession or release of any document, thing or article so taken into custody.

21. (1) The arresting officer shall inform the suspect so
25 arrested at the time of the arrest-

Information
to be provided
at the time of
arrest

- (a) the identity of the arresting officer;
- (b) the reason for the arrest; and
- (c) the right of access of the suspect to an Attorney-at-Law as provided for in any written law.

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

- 5 (3) Where it is not practicable to convey such information to the suspect as specified in subsection (2) at the time of arrest, such information shall be conveyed in a language understood by the suspect as soon as practicable.

- 10 **22.** (1) Every arrest shall be made with due regard to the privacy of the suspect.

Arrest, search and questioning to be made with due regard to privacy

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

- 15 (3) Whenever it is necessary to cause any person to be searched under this Act, such search shall be conducted with due regard to the privacy of that person.

(4) Whenever it is necessary to cause a female to be searched, such search shall be carried out by another female.

- 20 **23.** (1) A police officer who makes an arrest under this Act shall forthwith produce the suspect so arrested before the officer-in-charge of the police station to which such police officer is attached.

Procedure when an arrest is made by a police officer

- 25 (2) Where such production is not practicable under subsection (1), such police officer shall produce the suspect so arrested before the officer-in-charge of the nearest police station.

(3) 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 make an arrest in terms of this Act, or to obtain such assistance to take the arrested suspect to a police station.

- 5 **24.** (1) A member of the armed forces or a coast guard officer may exercise the powers of search and arrest in exceptional circumstances where-
- Procedure when an arrest is made by a member of the armed forces or a coast guard officer
- 10 (a) a police officer is not present at the location, and it is not reasonably practicable to secure the immediate presence of a police officer;
- (b) the situation requires immediate action to prevent an imminent terrorist act; or
- 15 (c) the armed forces are deployed in an area for the purpose of maintaining public order or conducting counter-terrorism operations under lawful authority.

- (2) A member of the armed forces or a coast guard officer who makes an arrest under this Act shall, forthwith and in any event within a period not exceeding twenty-four hours,
- 20 hand over the suspect so arrested to 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:

Provided that, where handing over the suspect so arrested

25 to the officer in charge of the nearest police station is not practicable due to reasons beyond the control of the person who made the arrest, such suspect shall be handed over to the officer-in-charge of the next nearest police station.

- (3) (a) A member of the armed forces who made the arrest

shall, forthwith, notify the arrest to the relevant commanding officer or any other commissioned officer authorised in that behalf by the commanding officer.

(b) A coast guard officer who made the arrest shall,
5 forthwith notify the arrest to the Director General of Coast Guard or any officer authorised in that behalf by the Director General of Coast Guard.

(4) The commanding officer or the Director General of Coast Guard or any officer authorised by the commanding
10 officer or Director General of Coast Guard, as the case may be, shall forthwith inform of such arrest to the officer in charge of the police station to whom the suspect is to be handed over or a police officer designated by the Inspector General of Police in that behalf.

15 (5) At the time of handing over the suspect so arrested to the officer-in-charge of the police station as provided for in this section, the member of the armed forces or the coast guard officer who made the arrest shall make a statement to
20 such officer-in-charge of the police station, setting out the circumstances relating to such arrest.

25 **25.** (1) Where any suspect is arrested under this Act, the arresting officer shall, forthwith or in any case not later than twenty-four hours from the arrest, issue a notice to the next of kin of such suspect, substantially in the form as set out in the Second Schedule, acknowledging the fact of such arrest:

Notification of the arrest

Provided that, where any suspect is taken into custody and it is not possible to issue a notice as specified in this subsection, it shall be the duty of the arresting officer if such officer is a police officer, to make an entry in the information
30 book, giving reasons as to why it is not possible, and if the

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 to whom the suspect was handed over, the reasons why it is not possible to issue such notice and the officer in charge of the police station shall make an entry of such fact along with the reasons therefor in the information book.

(2) If the next of kin of such suspect 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.

(3) The officer in charge of the police station wherein the suspect is held in custody shall, as soon as practicable, and in any event not later than twenty-four hours of the suspect being produced before him or handed over to him notify the Human Rights Commission of Sri Lanka of such arrest, substantially in the form set out in the Third Schedule, and notify the Inspector General of Police or his authorised representative, substantially in the form set out in the Fourth Schedule.

(4) A suspect arrested under this Act shall not be released without producing such suspect before the Magistrate, and such release shall be informed to the Human Rights Commission of Sri Lanka.

26. (1) A suspect-

(a) who has been arrested and held in custody by a police officer in terms of this Act shall, forthwith, be produced before the nearest Magistrate in any event not later than forty eight hours from the time of such arrest; or

A suspect
arrested to
be produced
before a
Magistrate

- 5 (b) who has been arrested by a member of the armed forces or a coast guard officer in terms of section 24, shall, forthwith, be produced before the nearest Magistrate in any event not later than forty eight hours from the time of handing over of such suspect to the officer in charge of a police station or a designated police officer under that section.

10 (2) Upon the production of a suspect before a Magistrate under subsection (1), where the police officer conducting the investigation has reasonable grounds to believe that further extended custody of the suspect is necessary for the purpose of conducting further investigation, the Magistrate may, for reasons to be recorded in writing, authorise such suspect to
15 be held in police custody for a further period not exceeding twenty-four hours.

(3) When a suspect is produced before a Magistrate under subsection (1) or (2)-

- 20 (a) where a Detention Order has, for the first time, been issued under section 27 for a period of two months and is placed before the Magistrate for inspection, the Magistrate shall make an order giving effect to such Detention Order and shall forward a copy thereof to the Magistrate's Court
25 having jurisdiction over the place where the suspect is detained; or

- (b) where no Detention Order is placed before the Magistrate, the Magistrate shall order that the suspect be remanded.

30 (4) The Magistrate before whom the suspect is produced shall personally see the suspect in camera, and look into

his well-being and record any statement the suspect may provide.

- (5) In the in-camera proceedings referred to in subsection (4), any police officer who may have participated in the arrest, or who has investigated the offence alleged to have been committed by the suspect, shall be excluded.

- 27. (1)** The Inspector General of Police or any officer not below the rank of a Deputy Inspector General of Police authorised by the Inspector General of Police in that behalf may make an application in writing to the Secretary for a Detention Order to detain a suspect who has been connected with or been concerned in committing an offence under this Act, for any purpose specified in subsection (4).

Detention
Order and
maximum
period of
detention

- (2) Upon receipt of an application under subsection (1), where the Secretary is satisfied that reasonable grounds exist to believe that the suspect has to be detained for any of the purposes specified in subsection (4), he may, after recording such reasons, issue a Detention Order substantially in the form set out in the Fifth Schedule, authorising the detention of the suspect.

- (3) Every Detention Order issued under this section shall be for a period not exceeding two months at a time, and the aggregate period of detention under such Detention Orders shall not exceed one year from the date of the initial Detention Order issued for the purpose of detaining the suspect under subsection (1).

- (4) A Detention Order under subsection (1) shall state the reasons for the issuance thereof and shall be issued where it is necessary for any one or more of the following purposes: -

- (a) to facilitate the conduct of the investigation in respect of the suspect;
- (b) to obtain material for an investigation and potential evidence relating to the commission of an offence under this Act; or
- (c) to question the suspect in detention.

(5) Where a Detention Order under this section has been issued at the time when the relevant suspect is produced before a Magistrate under section 26, a certified copy of such Detention Order shall be placed before the Magistrate for inspection.

(6) 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 Detention Order and the acknowledgement thereof by the suspect shall be obtained and filed in the relevant Magistrate's Court.

(7) A copy of the Detention Order shall be served on the next of kin of the suspect within a period of forty-eight hours from the issuance of such Detention Order, and the provisions of section 25 shall *mutatis mutandis* apply to the manner of serving such copy.

28. (1) Where it is necessary to detain a suspect beyond the period of detention referred to in paragraph (a) of subsection (3) of section 26, such suspect shall, upon the expiry of that period, be produced before the High Court together with the Detention Order issued under section 27, and the officer in charge of the relevant police station shall, through the Attorney General, apply to the High Court for an order to extend the period of detention of such suspect by giving effect to such Detention Order.

Extension of detention beyond two months to be only with the approval of the High Court

(2) The High Court shall record the submissions made in support of the application for an order giving effect to the extension of the period of detention and any objections raised by the suspect or his Attorney-at-Law to such extension of
5 the Detention Order.

(3) Where there is a necessity to maintain confidentiality of the submissions for the purpose of the investigations, an application shall be made to the High Court in that regard and the High Court may make an appropriate order relating
10 thereto.

(4) Upon consideration of the submissions made under subsection (2), the High Court may-

- 15 (a) if there are sufficient grounds, make an order to give effect to the Detention Order for a further period as may be specified in such order; or
- (b) refuse to give effect to the extended Detention Order, stating the reasons therefor and upon inquiry, remand the suspect or release him on bail.

20 (5) The High Court shall forthwith notify any extension of a Detention Order of the suspect to the Human Rights Commission of Sri Lanka.

(6) The proceedings under this section may, subject to the provisions of Article 106 of the Constitution be held
25 in-camera.

(7) A suspect detained pursuant to a Detention Order issued under this Act shall, subject to the provisions of the Code of Criminal Procedure Act, be produced before a Magistrate at least once in every fourteen days.

29. (1) A suspect remanded under the provisions of paragraph (b) of subsection (3) of section 26 may be released on bail by the High Court: Suspect may be released on bail

Provided however, a suspect concerned in committing
5 or having committed an offence punishable with life imprisonment under this Act may only be released on bail by the High Court in exceptional circumstances.

(2) A suspect shall not be held in remand in respect of an offence under this Act, for a period exceeding one year from
10 the date on which he was first remanded.

(3) If any indictment has not been preferred within the period referred to in subsection (2), the High Court shall release the suspect on bail.

30. (1) There shall be established, for the purposes of
15 this Act, an Independent Review Committee (hereinafter referred to as the “Committee”) to review Detention Orders made under this Act. Establishment of Independent Review Committee

(2) The Committee shall be independent in the exercise of its powers and shall not be subject to the direction or control
20 of any person or authority.

(3) The Committee shall consist of three members appointed by the Minister, namely-

- 25
- (a) a person who has held office as a Judge of the Supreme Court or the Court of Appeal, who shall be the Chairperson; and
 - (b) two other persons of proven integrity and experience in the fields of law, human rights, public administration, or national security.

(4) Any person aggrieved by a Detention Order issued under section 27 may make an application to the Committee to review such Order.

5 (5) The Committee shall review the necessity, legality, and proportionality of the Detention Order and shall make its determination within thirty days of such reference.

(6) For the purpose of conducting a review, the Committee may-

- 10 (a) call for and examine any document or material relating to the Detention Order;
- (b) require the relevant authorities to provide information or submissions;
- 15 (c) afford the detained person an opportunity to make written or oral representations, either personally or through an attorney-at-law; and
- (d) adopt such procedures as it considers appropriate, subject to the requirements of fairness and confidentiality.

(7) Upon completion of the review, the Committee may
20 recommend that the Detention Order-

- (a) be confirmed;
- (b) be varied, subject to such conditions as may be specified; or
- (c) be revoked.

25 (8) The Minister shall give due consideration to the recommendation of the Committee and shall communicate

the decision, together with reasons, to the detained person within seven days of receipt of such recommendation.

(9) The Minister may make regulations prescribing the procedure to be followed by the Committee and any other
5 matter necessary for the effective implementation of this section.

31. (1) Where the Magistrate has, at any time, reasonable suspicion to believe that the suspect may have been subjected to torture or cruel, inhuman or degrading treatment or
10 punishment, the Magistrate shall - Magistrate to direct the suspect to a medical examination

- (a) direct the suspect for medical treatment;
- (b) direct that the suspect be produced before a Judicial Medical Officer for examination, and report to the Magistrate; and
- 15 (c) make an order to change the place of detention of the suspect.

(2) Upon receipt of the report of the Judicial Medical Officer, which reveals that there is a probability that the suspect has been subjected to torture or cruel, inhuman or
20 degrading treatment or punishment, the Magistrate shall, having heard the submissions made by the officer in charge of the police station, make an order to change the place of detention of the suspect.

(3) Where the Magistrate makes an order under paragraph
25 (c) of subsection (1) or subsection (2), any police officer who previously had access to the suspect shall not have such access.

(4) The investigation in respect of such suspect shall be continued by such other police officers as directed by the
30 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
5 torture.

32. (1) A suspect in respect of whom a Detention Order has been made under section 27 shall be detained in an approved place of detention under approved conditions of detention.

A suspect
subject to a
Detention
Order to be
placed in an
approved
place of
detention
under
approved
conditions of
detention

10 (2) For the purpose of this section-

(a) 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”; and

15 (b) 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
20 detention”.

33. (1) The Magistrate within whose jurisdiction an approved place of detention is located shall, without giving any advance notice to the authority in charge of such approved place of detention-

Magistrate
to visit the
approved
place of
detention

25 (a) visit once a month, the approved place of detention;

(b) interview the suspects and look into their well-being; and

- (c) call for and inspect detention registers, Detention Orders and other books and documents required to be maintained at such approved place of detention.

5 (2) The Magistrate before whom a suspect was first produced shall also be entitled to visit an approved place of detention and exercise the powers specified in paragraphs (b) and (c) of subsection (1).

10 (3) The authority in charge of any approved place of detention shall provide prompt and unimpeded access to the Magistrate referred to in subsection (1) or (2), as the case may be.

15 (4) If the Magistrate observes that the suspect may have been subjected to torture or cruel, inhuman or degrading treatment or punishment, or the suspect alleges that he was subjected to torture or cruel, inhuman or degrading treatment or punishment, the Magistrate shall forthwith make an order, for the suspect to be produced for examination by a Judicial Medical Officer, and to submit the report to him.

20 (5) After giving the suspect and the relevant police officer an opportunity to be heard, if the Magistrate is satisfied that there are reasonable grounds to believe that the suspect may have been subjected to torture or cruel, inhuman or degrading treatment or punishment, he shall act in terms of section 31.

25 **34.** (1) The approved place of detention shall be provided with the requirements necessary to treat the detainees humanely, and such approved place of detention shall, under necessary supervision, be accessible to the next of kin of the detainee, and to his Attorney-at-Law.

Suspect to
be treated
humanely

(2) Where it appears to the Human Rights Commission of Sri Lanka or the Magistrate, at an inspection of the approved place of detention under the provisions of this Act, that the approved place of detention does not conform to the requirements referred to in subsection (1), such fact shall be informed to the Inspector General of Police in cases of detention.

35. (1) The officer in charge of the approved place of detention 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 forty eight hours from the commencement of detention, for the persons authorised by the Human Rights Commission of Sri Lanka to visit such approved place of detention in terms of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.

Notification
of detention
to the Human
Rights
Commission
of Sri Lanka

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

36. An authorised officer of the Human Rights Commission of Sri Lanka shall, without giving any advance notice, be entitled to -

(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 approved place of detention; and

(c) interview suspects being detained at such approved place of detention.

Human Rights
Commission
of Sri Lanka
to visit an
approved
place of
detention

37. (1) Every investigation under this Act shall be completed without unnecessary delay.

Completion of investigations and release of suspects

(2) Upon the completion of an investigation under this Act, the officer in charge of such investigation shall
5 forward to the Magistrate's Court a report in relation to such investigation, in such form as may be prescribed.

(3) If the report contains no allegation that the suspect has committed or been concerned in the committing of any offence under this Act, the Magistrate shall discharge such
10 suspect:

Provided that, the Magistrate may discharge a suspect produced before the court under this Act, at any time before, with the consent of the Attorney General.

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

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

38. (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 the suspect in remand or prison

25 (a) have access to a suspect placed in remand custody to interview the suspect;

(b) record statements; and

- (c) take the suspect out of the remand for the purpose of conducting further investigation:

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

(2) Where a suspect has been convicted of any offence and is 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 -

- 10 (a) have access to such suspect in prison to interview the suspect;
- (b) record his statements; and
- (c) take the suspect out of the prison for the purpose of conducting further investigation:

15 Provided however, an officer of the Department of Prisons shall be present at every instance referred to in this subsection.

39. (1) Where the officer in charge of a police station receives credible information that any person in remand or prison custody for any offence under this Act or any other written law—

Detention during remand or prison custody

- (a) has committed an offence under this Act;
- (b) has attempted, abetted or conspired to commit an offence under this Act or has done any act preparatory to the commission of an offence under this Act; or

- (c) had committed an offence under this Act prior to being arrested, and such officer in charge of a police station was unaware of such fact,

such officer in charge of a police station shall report such
5 information to the Attorney General.

(2) A Judge of the High Court shall, on an application made by the Attorney General, immediately inquire into such information and at the conclusion of the inquiry, if he is satisfied that the allegation against the suspect appears to be
10 well founded, and where he deems it expedient to keep the suspect under detention for further investigation, he may, on the production of a Detention Order, make an order to give effect to the Detention Order and permit the officer in charge of the police station to –

- 15 (a) transfer the custody of the suspect to any approved place of detention;
- (b) remove the suspect from remand custody;
- (c) have such suspect detained in terms of such Detention Order; and
- 20 (d) order that the suspect be kept in isolation or under security.

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

- (a) be issued by the Secretary;
- 25 (b) be for a period of two weeks at a time for a cumulative period not exceeding six months; and
- (c) be reviewed by the Judge of the High Court every fourteen days, and the provisions of

sections 35 and 36 shall *mutatis mutandis* apply in respect of such Detention Order.

(4) The High Court shall notify the transfer of the suspect from remand or prison custody to detention to the Human Rights Commission of Sri Lanka.

(5) (a) The period spent in detention under this Act by a person who was in prison custody shall be considered as part of the period of sentence of such person.

(b) The period spent in detention under this Act by a person who was in remand custody shall be considered as part of his remand period for the purposes of section 203 of the Code of Criminal Procedure Act.

(6) Upon completion of the period of six months or if the Attorney General informs the High Court that the investigations are concluded any time prior to that, the Judge of the High Court shall make an order committing the suspect back to remand custody or to prison custody, as the case may be.

(7) Where a person in prison custody is a suspect in any investigation under this Act, the Commissioner General of Prisons shall, at the expiry of the sentence, produce such suspect before the relevant Magistrate's Court in which he has been made a suspect for the purposes of remanding the suspect or for any other suitable order in terms of the provisions of this Act.

40. A suspect remanded or detained under this Act shall have the right to communicate with and be visited by his relatives, Attorney-at-Law or any other person of his choice, subject to the conditions established by written law.

Suspect remanded or detained to have access to an Attorney-at-Law & c.in remand or detention

41. (1) The provisions of the Code of Criminal Procedure Act which are not inconsistent with the provisions of this Act shall, *mutatis mutandis*, apply to any investigation or proceeding under this Act.

Application of the Code of Criminal Procedure Act

5 (2) 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.

(3) Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, the provisions of section 306
10 of that Act shall not apply in the case of any person who is found or pleads guilty, by or before any court, for any offence under this Act.

PART IV

15 POWERS AND DUTIES OF CERTAIN OFFICERS TO FACILITATE INVESTIGATIONS UNDER THIS ACT

42. (1) It shall be the duty of every police officer, any member of an armed force or a coast guard officer to take any measure as may be appropriate to prevent the commission of
20 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 officer shall take such measures-

- (a) in good faith;
- 25 (b) proportionate to the harm that may be inflicted by the commission of the offence; and
- (c) 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 an offence under this Act.

43. (1) If the circumstances of the case so justify, a joint investigation team may be formed for a specific period by an agreement between the Inspector General of Police and any other investigative authority in Sri Lanka as may be determined by the Inspector General of Police, in consultation with the Secretary, for the purpose of conducting an investigation into an alleged offence under this Act.
- (2) The Inspector General of Police may, in concurrence with the Minister, also establish joint investigation teams in relation to the following, where a request has been made by a foreign State:-
- (a) matters falling under bilateral or multilateral agreements or arrangements to which Sri Lanka and the other foreign State are parties; or
 - (b) in the absence of such agreements or arrangements, on a case-by-case basis.
- (3) A Joint investigation team under the provisions of this section may be established when-
- (a) any person or body of persons assigned with the duties of investigation, law enforcement, regulatory tasks, prosecutions and involving in judicial proceedings on the same subject matter, which requires coordinated and harmonized actions by the agencies or States involved in the investigation; and
 - (b) for the purposes of subsection (2), investigative actions have to be carried out in Sri Lanka and the other foreign State simultaneously.

(4) Information obtained during joint investigations may be used by competent courts, where the persons who were being investigated are tried in such courts.

5 **44.** (1) For the purposes of this Act, a police officer who has been authorised in writing by an officer in charge of a police station to conduct an investigation in terms of this Act may, upon an order obtained from a Magistrate, request any suspect alleged to have committed an offence under this Act to –

Powers to facilitate investigation

- 10 (a) submit an affidavit, subject to the provisions of subsections (2), (3), and (4) to a police officer not below the rank of Assistant Superintendent of Police;
- 15 (b) tender any document or thing relevant to the investigation that may be in the possession or control of such suspect:

Provided that-

- 20 (i) an acknowledgement of the receipt of such document or thing shall be issued in writing to such suspect; and
- (ii) taking of such document or thing shall be promptly reported to the Magistrate.

25 (2) The police officer not below the rank of Assistant Superintendent of Police to whom the affidavit is submitted under paragraph (a) of subsection (1) shall ensure that the provisions of subsections (3), (4) and (5) have been complied with at the time of submitting such affidavit.

(3) A suspect shall not be bound to make an affidavit implicating or incriminating himself in the commission of an

offence, and any such affidavit shall be inadmissible against such suspect.

(4) Any suspect who is to be interviewed and whose statement is to be recorded or from whom an affidavit is to be taken shall be informed of his right to have access to an Attorney-at-Law of his choice to obtain legal advice prior to such interview, recording or the production of the affidavit.

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

(6) Every interview conducted under this section shall be audio visually recorded, and such recording shall form part of the official record of the investigation.

(7) Where, due to technical failure or other exceptional circumstances, it is not practicable to record an interview in terms of subsection (6), the police officer conducting the interview shall-

- (a) record in writing the reasons for such failure or inability;
- (b) obtain the approval of a Magistrate for the continuation of the interview without recording, as soon as practicable; and
- (c) ensure that the statement obtained is read over and explained to the suspect in a language understood by him and that such suspect signs or affixes his acknowledgement thereto.

(8) A copy of the audio-visual recording shall be produced before the Magistrate without delay and shall be made

available to the suspect or his Attorney-at-Law, subject to such conditions as the Court may determine in the interest of justice.

(9) Any statement obtained in violation of the requirements of subsection (6), without reasonable justification accepted by the Court, shall be subject to heightened judicial scrutiny as to its voluntariness and admissibility.

45. Where the person in charge of any vehicle, vessel, train, aircraft or unmanned vehicle disobeys any directive given by a police officer, member of the armed forces or coast guard officer for halting any such vehicle, vessel, train, aircraft or unmanned vehicle for the purposes of this Act, such police officer, member of the armed forces or coast guard officer may use such force as may be strictly necessary to halt such vehicle, vessel, train, aircraft or unmanned vehicle:

Use of force to stop any vehicle, vessel & c.

Provided however, any such force may be used only where all other means of halting the vehicle, vessel, train, aircraft or unmanned vehicle have failed.

46. (1) A police officer shall be entitled to take over the control of any vehicle, vessel, train, aircraft, unmanned vehicle or aircraft system connected with an offence alleged to have been committed 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 & c

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

47. (1) For the purpose of conducting an investigation under this Act, the officer in charge of a police station may make an application to the Magistrate having jurisdiction in the area within which any aircraft or vessel is located, for an Order directing to-

Suspension or delaying the taking off or sailing of a vessel, aircraft & c.

- (a) suspend or delay, the taking off of such aircraft, or the sailing of any vessel, for a period not exceeding forty-eight hours;
- 5 (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,

and the Magistrate may, upon consideration of such application, issue such order, subject to any condition as
10 may be specified therein:

Provided however, where there is such urgency in the interest of the national security, a police officer not below the rank of a Deputy Inspector General of Police may give directions to take any action referred to in paragraph (a), (b)
15 or (c) of subsection (1), subject to subsequent approval of such direction by the Magistrate within twenty-four hours from the issuance of such direction.

(2) The Director General of Civil Aviation appointed under the Civil Aviation Authority of Sri Lanka Act, No. 34
20 of 2002, shall be informed of any such order or directive issued in respect of any aircraft for the purpose of obtaining air-defence clearance.

(3) Where the order or directive is issued in respect of a civil vessel, the Director General of Merchant Shipping
25 appointed under the Merchant Shipping Act, No. 52 of 1971 and the Sri Lanka Ports Authority established under the Sri Lanka Ports Authority Act, No. 51 of 1979, shall be given prior notice of such order or directive.

48. (1) Where the officer in charge of the police station considers that the examination of a suspect in custody or a victim of an offence by a medical practitioner is necessary for the conduct of an investigation, he may, with the consent of such suspect or victim, cause such suspect or victim to be examined by a government medical officer. The government medical officer shall report to the police officer, setting out the result of the examination.

Medical
examinations

(2) Where the suspect or victim referred to in subsection (1) does not consent to be so examined, the police officer may apply to a Magistrate having jurisdiction, for an order authorising a government medical officer named therein to examine such suspect or victim and report thereon. Where such an order is made, such person shall submit to an examination by such government medical officer who shall report to the Magistrate setting out the results of the examination.

49. (1) The 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:

Submitting
items to a
Government
Analyst or
other expert

Provided however, in the case of submission to a foreign expert for examination and analysis, the approval of the Magistrate shall be obtained prior to the submission for such examination or analysis.

(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.

50. (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

Investigation
outside
Sri Lanka

5 Sri Lanka.

(2) It shall be lawful for a police officer authorised by the Inspector General of Police, with the prior approval obtained from the relevant foreign country and the Secretary, to undertake and carry out a joint investigation into the commission of an offence within Sri Lanka or outside Sri Lanka under this Act, with an institution or agency of a foreign State or foreign States or an international organisation established by the Government of a foreign State.

51. (1) Where information has been received by a police officer in relation to the commission of an offence under this Act, and the police officer is of the opinion that there exists 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, the officer in charge of a police station may make an application to a Magistrate for any one or more of the following directives:—

Police
may issue
directives for
the protection
of the public

- (a) to remove a particular object, vehicle, vessel, train, aircraft or unmanned vehicle from any location;
- (b) to require that a vehicle, vessel, train, aircraft or unmanned vehicle to remain in its present position;
- (c) not to sail a vessel or ship into a specified area until further notice is issued;
- (d) not to fly an aircraft out of, or into, a specified airspace;

- (e) not to congregate at any particular location;
- (f) not to hold a particular meeting, rally or procession; and
- (g) not to engage in any specified activity.

5 (2) The Magistrate shall, prior to the issuance of any such directive, satisfy himself as to the necessity of issuing the same, and may make an order to issue such directive subject to such conditions as may be deemed appropriate:

10 Provided that, where circumstances of urgency arise in the interest of national security, the officer in charge of a police station may issue directions to take any action referred to in paragraphs (a) to (g), subject to the subsequent approval of such direction by a Magistrate within twenty-four hours of the issuance of such direction.

15 (3) The Human Rights Commission of Sri Lanka 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 (g).

20 (4) Any such directive may include exceptions to such directive, in order to meet with emergencies and humanitarian requirements of persons who may be affected by any such directive.

25 (5) The period of operation of any such directive shall not exceed twenty-four hours at a time, and for a total period not exceeding seventy-two hours.

 (6) The Inspector General of Police may obtain the assistance of the members of any armed force to give effect

to any directive under this section with the prior approval obtained from the Commander of the relevant armed force.

(7) It shall be lawful for the police officers to cordon off such an area for the purpose of giving effect to such directive.

- 5 (8) Any person who willfully acts contrary to a directive issued under this section commits an offence, and shall, on conviction by a Magistrate, be liable to imprisonment of either description for a term not exceeding one year or to a fine not exceeding one million rupees or to both such
10 imprisonment and fine.

PART V

DEFERMENT OF INSTITUTION OF CRIMINAL PROCEEDINGS, SUSPENSION OF PROSECUTION AND TRIAL

- 15 **52. (1)** Notwithstanding any provision to the contrary in any other written law, where-
20 (a) death or grievous hurt has not been caused to any person; or
(b) the security of the State or the people of Sri Lanka has not been seriously compromised or affected,

Deferment of
the institution
of criminal
proceedings

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), defer the institution
25 of criminal proceedings against such suspect for a period not exceeding twenty years:

Provided however, there shall be a prior consensual agreement between the Attorney General and the

person suspected to have committed the offence amenable to deferment, which shall be sanctioned by the High Court before the deferment of the institution of criminal proceedings under this subsection:

- 5 Provided further, the period of deferment of institution of criminal proceedings against such suspect shall not exceed the period of imprisonment which might have been imposed for the alleged offence.

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

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

20 (3) Where the Attorney-General decides in terms of subsection (1) to defer the institution of criminal proceedings against any suspect, he shall prefer an application to the High Court to impose one or more of the following conditions on such person as consideration for the deferment of
25 the institution of criminal proceedings against such suspect to: -

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

(4) The High Court shall, upon consideration of the application made by the Attorney-General under subsection (3), order the suspect to appear before the High Court, and shall notify such suspect of the conditions imposed by the High Court and afford an opportunity to be heard and to consent to the conditions so imposed by the High Court.

(5) If such suspect fulfils the conditions imposed under subsection (4) during the period stipulated for fulfilling such conditions, the Attorney-General shall not institute criminal proceedings against such suspect in respect of the offence alleged to have been committed.

(6) If such suspect fails without a valid excuse to comply with such conditions, the Attorney-General may, with notice to the suspect, institute criminal proceedings against him.

53. (1) Notwithstanding any provision to the contrary in any other written law, where-

Suspension of
prosecution

- (a) death or grievous hurt has not been caused to any person; or
- (b) the security of the State or 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 the prosecution against a person charged with an offence under this Act, for a period not exceeding twenty years:

Provided however, there shall be a prior consensual agreement between the Attorney General and the person charged with the offence amenable to suspension, which shall be sanctioned by the High Court before the suspension of prosecution under this subsection:

Provided further, the period of suspension of prosecution against such person shall not exceed the period of imprisonment applicable to the offence he might have been sentenced for.

(2) Where the Attorney General suspends prosecution under subsection (1), he shall pay due regard to the matters specified in paragraphs (a) to (f) of subsection (2) of section 52.

(3) Where the Attorney General decides in terms of subsection (1) to suspend prosecution against such person, he shall prefer an application to the High Court, to impose one or more of the conditions specified in paragraphs (a) to (e) of subsection (3) of section 52 on such person as consideration for the suspension of prosecution against such person.

(4) The provisions of subsections (4), (5) and (6) of section 52 shall *mutatis mutandis* apply in relation to suspension of prosecution under this section.

(5) For avoidance of doubt it is hereby declared that-

- 5 (a) no order under section 52 or section 53 shall be made unless the High Court is satisfied that-
- (i) the consent of the suspect or the person charged with an offence under this Act has been given freely and voluntarily;
- 10 (ii) such consent has not been obtained by reason of detention, threat, coercion, inducement, or undue influence; and
- (iii) the person has been informed, in a language understood by him, of the nature and legal consequences of the agreement and his rights to refuse such agreement and to be represented by an Attorney-at-Law;
- 15
- 20 (b) the High Court shall record the personal consent of the suspect or the person charged with the offence under this Act in open court, and may make such inquiries as it considers necessary to ensure that such consent is informed and voluntary;
- 25 (c) no condition imposed under sections 52 or 53 shall-
- (i) amount to a punishment disproportionate to the alleged offence;

- (ii) require any admission of guilt; or
 - (iii) infringe the presumption of innocence of the suspect or the person charged with an offence under this Act;
- 5 (d) the period of deferment or suspension shall be proportionate to the nature and gravity of the alleged offence and shall not exceed what is reasonably necessary to achieve the purpose of such order;
- 10 (e) the suspect or the person charged with an offence under this Act may, at any time, apply to the High Court for the variation or cancellation of any condition imposed, and the Court may make such order as it considers just and equitable; and
- 15 (f) the time during which proceedings are deferred or prosecution is suspended, shall not operate to prejudice the right of the person charged with an offence under this Act to a fair trial.

54. (1) (a) If the Secretary is of the opinion that it is
20 necessary or expedient that a person in remand custody against whom an indictment has been forwarded under this Act be kept in the custody of any lawful authority, in the interest of national security or public order or where there
25 is a threat or an apprehension of serious harm to the life of the accused during the pendency of the trial, he may make an application through the Attorney General, to the relevant High Court together with the a copy of the Detention Order, setting out the reasons that necessitates the issuance of a Detention Order and after hearing such application and the
30 objections thereto the High Court may make an order giving effect to the Detention Order, subject to such directions to ensure the conduct of a fair trial.

Detention
until the
conclusion of
the trial

(b) The conditions applicable to a person detained in terms of section 27 shall *mutatis mutandis* apply to the person who is detained under subsection (1).

(2) The Detention Order made in pursuance of subsection (1) shall be communicated to the Commissioner General of Prisons and it shall be the duty of the 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.

55. The proceedings in any court in respect of an offence alleged to have been committed by any person under this Act shall have priority over all other business of that court, except when circumstances render it necessary for such other business to be disposed of earlier.

Proceedings
under this
Act to have
priority in
court

PART VI

ADMISSIBILITY OF STATEMENTS

56. (1) On an application made by a police officer conducting an investigation into an offence under this Act, the Magistrate may question and record the statement of any suspect.

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 to access to an Attorney-at-Law under any written law;
- (b) the person shall be questioned in order to ascertain whether such person wishes to

5 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 statement, without
any promise, inducement or threat;

- (c) 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;
- 10 (d) whatever statement such person wishes to give
shall be recorded, in addition to questions put to
him and his answers thereto;
- (e) in situations where the person being interviewed
does not understand the language spoken by the
15 Magistrate, the services of an interpreter shall be
obtained, in order to translate the questions and
the answers into the languages understood by
such person and the Magistrate; and
- (f) the interview shall be audio-visually recorded
20 and the recording shall be retained for future
verification.

(3) The Magistrate may, for the purpose of recording such
statement, obtain a report or questionnaire from the officer
in charge of the police station.

- 25 (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 during the
30 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) Where, at the time the suspect so declines to make a statement, he is in detention under a Detention Order or is in remand custody, such suspect shall be returned to such detention or remand custody, as the case may be, and the Magistrate may, where necessary, make such further order as may be required for ensuring the safety of the suspect.

10 **57.** (1) A statement made by a suspect or any person to a Magistrate under this Act shall be admissible against such person, subject to the provisions specified in subsection (2), and section 58 of this Act and to the provisions of section 24 of the Evidence Ordinance.

Statements
made to a
Magistrate

15 (2) (a) A person shall not be bound to make a statement implicating or incriminating himself in the commission of an offence.

(b) A Magistrate recording a statement shall inform the person being interviewed of his rights under this Act before
20 such interview.

58. Notwithstanding anything to the contrary in any other written law, a statement made to a Magistrate by a person alleged to have committed an offence under this Act shall not be admissible in evidence against such person, unless –

Preconditions
to be satisfied
for the
admissibility
of a statement
made to a
Magistrate

25 (a) the Magistrate who recorded such statement had, immediately prior to and soon after recording the statement, caused the person who made the statement to be examined by a Judicial Medical Officer; and

- (b) the report of the Judicial Medical Officer is produced by the prosecuting authority during the *voir-dire* inquiry, which may be conducted to verify the admissibility of the statement.

5

PART VII

MISCELLANEOUS ORDERS

59. (1) Notwithstanding anything in any other written law, where the President has reasonable grounds to believe that any organisation is engaged in any act amounting to an offence under this Act, the President may, by Order published in the *Gazette*, (hereinafter referred to as a “Proscription Order”) proscribe such organisation in terms of the provisions of this Act.

(2) A Proscription Order may prohibit -

- 15 (a) any person from being a member of or associated with such organisation;
- (b) such organisation from recruiting members to such organisation;
- 20 (c) any person from acting in furtherance of the objectives of such organisation;
- (d) the conducting of meetings, activities and programmes by such organisation;
- (e) the use or mobilisation of bank accounts and other financial depositories of such organisation;
- 25 (f) any person from entering into contracts with or on behalf of such organisation;

- (g) the raising of funds and receiving grants and bequests;
- (h) the transfer of funds and assets of the organisation;
- 5 (i) the lobbying and canvassing on behalf of such organisation;
- (j) any person from publishing any material, including printed or online publishing, in furtherance of the objects of such organisation;
- 10 (k) such organisation from establishing or maintaining offices; or
- (l) any other activity relating to such organisation, as may be necessary.

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

20 (4) Immediately after the publication of a Proscription Order in the *Gazette*, such Proscription Order shall also be published in a newspaper in Sinhala, Tamil, and English languages, having wide circulation in Sri Lanka.

(5) Any person or an organisation aggrieved by a
25 Proscription Order issued under subsection (1) may-

- (a) apply to the President for reconsideration or cancellation of the Proscription Order; or

- (b) apply to the Court of Appeal for judicial review of the Proscription Order or of any decision made under paragraph (a).

(6) A Proscription Order made under this section shall
5 remain valid until rescinded.

60. (1) Where, upon an application made by a police officer not below the rank of a Deputy Inspector General of Police, a Magistrate is satisfied, on the basis of material placed before the court that-

Restriction
orders

- 10 (a) a person is engaging in, has engaged in, or is preparing to engage in the commission of an offence under this Act;
- (b) such person poses a credible and serious risk of committing or facilitating the commission of
15 such offence; and
- (c) the making of a restriction order is necessary for the purpose of preventing the commission of such offence and that less restrictive measures would not be effective,

20 the Magistrate may make a Restriction Order imposing such conditions as are necessary and proportionate in the circumstances.

(2) In determining whether to make an Order under subsection (1), the Magistrate shall have regard to-

- 25 (a) the necessity and proportionality of each restriction proposed;
- (b) the nature and seriousness of the risk presented;

- (c) the likely impact of the proposed restrictions on the fundamental rights and freedoms of the person concerned; and
- (d) whether the objective can be achieved by less intrusive measures, including surveillance, monitoring or reporting requirements.

(3) A Restriction Order may impose only such measures as are strictly necessary for the purposes specified in subsection (1), including-

- (a) restrictions on travel to specified places or areas;
- (b) requirements to report to a specified police station at specified intervals;
- (c) restrictions on communication or association with persons or entities reasonably believed to be connected with an offence under this Act; or
- (d) such other limited conditions as the Magistrate considers necessary and proportionate.

(4) No Restriction Order shall-

- (a) impose a general prohibition on movement, expression, assembly or association, except to the extent strictly necessary and proportionate to the risk identified; or
- (b) be made solely for the purpose of facilitating or assisting a general investigation.

(5) Every Restriction Order shall-

- (a) be made for a period not exceeding three months at a time;
- (b) specify the reasons for the Order and the material grounds on which it is based; and
- 5 (c) be subject to review under subsection (7).

(6) The person against whom a Restriction Order is sought shall be given a reasonable opportunity to be heard and to be represented by an Attorney-at-Law, unless the Magistrate determines, for recorded reasons, that urgent circumstances
 10 require the Order to be made *ex parte* and in such event, the person shall be afforded an opportunity to be heard at the earliest possible time.

(7) Any person aggrieved by a Restriction Order may apply to the High Court or the Court of Appeal for revision
 15 or judicial review of such Order.

(8) Where a Restriction Order is revoked or found to have been made without reasonable grounds, the affected person shall be entitled to seek appropriate relief in accordance with law.

20 **61.** (1) Where the Secretary is satisfied, on the basis of credible material, that- Orders relating to prohibited places

- (a) a specified place is being used, or is likely to be used, for the commission or preparation for the commission of an offence under this Act; and
- 25 (b) restricting access to such place is necessary and proportionate for the purpose of preventing such

offence and that less restrictive measures would not be effective,

the Secretary may, by written Order, declare such place to be a prohibited place for a period not exceeding seventy-two
5 hours.

(2) An Order under subsection (1) shall-

- (a) clearly identify the location and the restrictions imposed;
- (b) state the reasons and material grounds for the
10 Order; and
- (c) be limited to the minimum restrictions necessary in the circumstances.

(3) Any extension beyond the period of seventy-two hours shall be made only upon application to a Magistrate,
15 who shall grant such extension only if satisfied that such extension is necessary and proportionate.

(4) The restrictions under this section may include limitations on entry into the specified place and, where strictly necessary, restrictions on photography, video
20 recording or other forms of documentation, provided that such restrictions are narrowly tailored and do not unduly interfere with lawful professional, journalistic, humanitarian or official activities.

(5) The Secretary or the Magistrate, as the case may be,
25 shall provide reasonable exemptions to ensure access for residents, employees, emergency services, essential service providers, and other persons whose presence is reasonably required.

(6) Nothing in this section shall preclude any person aggrieved by an Order made under this section from making an application to the Magistrate to review such Order and obtain appropriate relief, without infringing such Order.

5

PART VIII

SENTENCING GUIDELINES

62. When determining the term of imprisonment to be imposed on a person convicted of having committed an offence under this Act, the following factors may be taken
10 into account as aggravating factors which warrant the imposing of an enhanced term of imprisonment, subject to the provisions of this Act: -

Aggravating
factors

15 (a) the effect of the commission of the relevant offence on the territorial integrity or sovereignty of Sri Lanka, or of any other foreign country;

(b) the effect of the commission of the relevant offence on the national security or defence of Sri Lanka;

20 (c) the number of lives lost due to the commission of the offence;

(d) the injuries or harms inflicted on any person in or outside Sri Lanka;

25 (e) the impact on the victims of the offence and the aggravated nature of the consequences undergone by them;

(f) whether the commission of the offence has given rise to public disquiet;

- (g) the effect on the security of the general public;
- (h) the impact on the peaceful co-existence of the people of Sri Lanka;
- 5 (i) the financial or material loss caused to the Government of Sri Lanka, the general public, or any person;
- (j) the financial and other resources required for the reparation and restoration of the damages caused; and
- 10 (k) any other factor as may be considered by the court to be taken into account as an aggravating factor.

63. When determining the term of imprisonment to be imposed on a person convicted of having committed an offence under this Act, the following factors may be taken into account as mitigating factors which warrant a reduced term of imprisonment, subject to the provisions of this Act: -

- (a) publicly denouncing terrorism;
- (b) the expression of remorse;
- 20 (c) the age of the offender at the time of committing the offence;
- (d) the time period spent in detention or remand or both;
- (e) the coercion or duress under which the offence
- 25 had been committed;

- (f) the voluntarily providing of reparation by the accused to the victims of the offence;
- (g) the public denouncement of violence, and other offences in respect of which the accused was convicted;
- (h) the commitment towards the preservation and protection of the territorial integrity and sovereignty of Sri Lanka;
- (i) the voluntarily participating in and completing a rehabilitation programme stipulated by the court; or
- (j) any other factor as may be considered by the court to be taken into account as a mitigating factor.

PART IX

GENERAL PROVISIONS

- 64.** The Inspector-General of Police shall establish and maintain a central database containing information in relation to each arrest, detention, remand, grant of bail, discharge, prosecution, conviction, acquittal, or punishment of any person arrested under this Act. Establishment and maintenance of a central database
- 65.** The provisions of the Children's Ordinance (Chapter 23) shall apply to any child who is found guilty of, and convicted for, an offence committed under this Act. Children's Ordinance to apply
- 66. (1)** A directive, direction or Order issued or made under this Act may be questioned in proceedings under Article 126, 140 or 141 of the Constitution. Protection of officers &c.

(2) Subject to the provisions of subsection (1), no suit, prosecution or other proceeding, civil or criminal, shall lie against any officer or person for any act or thing done in good faith in pursuance of any directive, direction or Order
5 issued or made under this Act.

67. 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;
- 10 (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:

15 Provided that, such person shall not be deemed to be guilty of such offence if such person proves that such offence has been committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

68. (1) The Minister may make regulations for the
20 purpose of carrying out or giving effect to the provisions of this Act and in respect of any matter required by this Act to be prescribed.

Regulations

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make
25 regulations to implement rehabilitation programmes for the persons in respect of whom the Attorney-General has recommended deferment of institution of proceedings under section 52 or suspension of prosecution under section 53, or where the Attorney-General has withdrawn indictments,
30 including the following matters-

- (a) the objectives to be achieved by the conduct of the programme;
- (b) the nature of rehabilitation;
- (c) the nature of the training to be provided;
- 5 (d) the authority or authorities who conduct the rehabilitation or training;
- (e) the location of the programme;
- (f) the duration of the programme; and
- 10 (g) any other matter relating to the implementation of such rehabilitation programme.

(3) Every regulation made under this section 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.

- 15 (4) Every regulation made under this section shall, within three months of its publication in the *Gazette*, be brought before Parliament for its approval.

- 20 (5) 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.

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

- 25 **69.** (1) Subject to the provisions of this Act, the President may, from time to time, issue directions pertaining to the manner in which the provisions of this Act shall be enforced. Directions

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

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

70. 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

71. Nothing contained in this Act shall be read and construed as preventing any person aggrieved by any decision, determination, order made, or directive or direction issued by any relevant authority under this Act seeking relief or remedy in terms of the provisions of the Constitution or any other law.

Judicial review

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

Repeal of Act, No. 48 of 1979

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

Transitional provisions and savings

(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 appointed date shall be disposed of, continued, held or entertained, as nearly as may be practicable under the provisions of the repealed Act including the provisions pertaining to procedure and evidence;

- 5 (b) (i) any person suspected of having committed or having been concerned in committing an offence under the repealed Act prior to the appointed date, in respect of whom the proceedings have not been instituted as at the appointed date, shall be prosecuted under the provisions of the repealed Act:

10 Provided however, the powers of the Attorney General in relation to the deferment of the institution of proceedings or suspension of prosecution may be exercised under this Act; and

- 15 (ii) the proceedings into any such offence shall be concluded, as nearly as may be practicable, under the provisions of this Act;

20 (c) The Prevention of Terrorism (National Security Council) Regulations, No. 4 of 2001, published in the *Gazette* Extraordinary No. 1193/31 of July 21, 2001, made under the provisions of the repealed Act and in force on the appointed date, shall be deemed to have been made under the provisions of this Act and shall continue to be in force and given effect accordingly, unless and
25 until rescinded; and

30 (d) all regulations relating to the proscription of organisations, including the regulations specified below, which were made under the provisions of the repealed Act and are in force on the appointed date, shall be deemed to have been made under the corresponding provisions of this Act and shall continue to be in force and given effect accordingly. Such regulations may

be amended, rescinded, or varied by an Order made under this Act: -

- 5 (i) Prevention of Terrorism Regulations No. 2 of 2001, published in the *Gazette* Extraordinary No. 1191/19 of July 6, 2001;
- 10 (ii) Prevention of Terrorism (Proscription of the Liberation Tigers of Tamil Eelam) Regulations No. 1 of 2011 published in the *Gazette* Extraordinary No. 1721/2 of August 29, 2011;
- 15 (iii) Prevention of Terrorism (Proscription of the Tamil Rehabilitation Organization) Regulations No. 2 of 2011 published in the *Gazette* Extraordinary No. 1721/2 of August 29, 2011;
- 20 (iv) Prevention of Terrorism (Detainees and Remandees) Regulations No. 4 of 2011 published in the *Gazette* Extraordinary No. 1721/4 of August 29, 2011;
- 25 (v) Prevention of Terrorism (Surrendees Care and Rehabilitation) Regulations No. 5 of 2011 published in the *Gazette* Extraordinary No. 1721/5 of August 29, 2011;
- 30 (vi) Prevention of Terrorism (Proscription of Extremist Organizations) Regulations No. 1 of 2019, published in the *Gazette* Extraordinary No. 2123/3 of May 13, 2019; and

- 5 (vii) Prevention of Terrorism (Proscription of Extremist Organizations) Regulations No. 2 of 2021 published in the *Gazette* Extraordinary No. 2223/3 of April 13, 2021 as amended by the regulations published in the *Gazette* Extraordinary No. 2342/27 of July 26, 2023.

74. (1) In this Act, unless the context otherwise requires – Interpretation

10 “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);

15

“coast guard officer” shall have the same meaning assigned to such expression under the Department of Coast Guard Act, No. 41 of 2009;

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

“confidential information” means –

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

25

(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 -

- 5 (i) the persons of the police, armed forces or Department of Coast Guard or their arms, ammunitions, equipment, vehicles, vessels, aircrafts or technology;
- (ii) the functions, movements, or whereabouts of a specified person;
- 10 (iii) a prohibited place or an approved place of detention;
- (iv) the conduct of an investigation into offences under this Act, findings of such investigation, persons arrested and detained and identity of officers conducting the investigation;
- 15
- (c) any information relating to the police or the armed forces, on the conduct of any official activity, including any law enforcement or military measure which is intended to be carried out or is being carried out, or has been carried out;
- 20
- (d) any secret code, word, password or encryption detail relating to national security and defence;
- 25

“Evidence Ordinance” means the Evidence Ordinance (Chapter 14);

30 “High Court” means the High Court for the Province established by Article 154P of the Constitution;

“Human Rights Commission of Sri Lanka” means the Human Rights Commission of Sri Lanka established under the Human Rights Commission of Sri Lanka Act, No. 21 of 1996;

5 “Minister” means the Minister of Defence;

“Penal Code” means the Penal Code (Chapter 19);

“person” means an individual, group of individuals, an association, organisation or body of persons;

“proscribed organisation” means -

10 (a) any organisation proscribed under subsection (1) of section 59;

(b) any organisation proscribed under the regulations relating to the proscription of organisations made under the repealed Act;
15 and

(c) any entity designated under the regulations made under the United Nations Act, No. 45 of 1968;

20 “Secretary” means the Secretary to the Ministry of the Minister of Defence;

“specified person” means -

(a) the President;

(b) a Judge of the Supreme Court, Court of Appeal, High Court, judicial officers and
25 scheduled public officers;

- (c) the Attorney General and his officers;
 - (d) the public officers;
 - (e) any representative or official of a foreign State or any official or other agent of an international organisation of an intergovernmental character;
 - (f) a member of Parliament, Provincial Council or of a local authority;
 - (g) any chairman and member of the Commissions specified in the Schedule to Article 41B of the Constitution, any member of a commission established under the Special Presidential Commissions of Inquiry Law No. 7 of 1978 or under the Commissions of Inquiry Act (Chapter 393);
 - (h) juror, counsel, or officer of court: and
 - (i) any member of the armed forces, police force and any other forces and coast guard officers;
- “territory of the Republic of Sri Lanka” shall have the same meaning assigned to that expression under the Constitution;
- “unmanned vehicle” includes a mechanised or automated object capable of movement, 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;

“victim” shall have the same meaning assigned to the expression “victim of crime” under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023;

- 5 “witness” shall have the same meaning assigned to such expression under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023.

- (2) Any word or expression used in this Act and defined
10 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 under the Penal Code or the Code of Criminal Procedure Act, respectively.

75. In the event of any inconsistency between the Sinhala
15 and Tamil texts of this Act, the Sinhala text shall prevail.
- Sinhala text
to prevail
in case of
inconsistency

FIRST SCHEDULE

[section 3(2)(j)]

Treaties

1. The Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on December 16, 1970.
2. The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971.
3. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973.
4. The International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979.

5. The Convention on Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980.
6. The Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988.
7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988.
8. The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988.
9. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997.

SECOND SCHEDULE

[section 25(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 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 the 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: -

THIRD SCHEDULE

[section 25(3)]

Notification of the arrest to the Human Rights Commission of Sri Lanka

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 that would enable the Human Rights Commission of Sri Lanka-
 - (a) to have prompt access to the suspect; and
 - (b) to ascertain whether such arrest and detention have infringed the fundamental rights of the suspect.

FOURTH SCHEDULE

[section 25(3)]

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: -

FIFTH SCHEDULE

[section 27(2)]

Detention Order

1. Number of the Detention Order: -
2. Date and place of issuing the Detention Order: -

3. Identity of the officer who requested the issue of the Detention Order and the date of the request, and where applicable, the reference number: -
4. Name of the person (suspect) in respect of whom the detention is being authorised: -
5. The authorised place of detention: -
6. The period of detention: -
7. The reasons for which detention of the suspect has been authorised: -

