

Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or
Punishment
Act No 22 of 1994

AN ACT TO GIVE EFFECT TO THE CONVENTION AGAINST
TORTURE AND OTHER CRUEL INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT ; AND FOR MATTERS
CONNECTED THEREWITH OF INCIDENTAL THERETO.

WHEREAS a Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment, was signed in New York on December 10, 1984: AND WHEREAS by an instrument of accession dated December 14, 1993, and deposited with the Secretary-General of the United Nations Organization, on January 3, 1994, Sri Lanka has acceded to the aforesaid Convention :

AND WHEREAS the aforesaid Convention has entered into force for Sri Lanka with effect from February 2, 1994:

AND WHEREAS it has become necessary to make legislative provision to give effect to Sri Lanka's obligations under the aforesaid Convention :

NOW therefore be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :"

[20th December , 1994]

Short title. **1.** This Act may be cited as the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994.

Torture to be an offence. **2.**

(1) Any person who tortures any other person shall be guilty of an offence under this Act.

(2) Any person who"

(a) attempts to commit;

(b) aids and abets in committing ;

(c) conspires to commit,

an offence under subsection (1), shall be guilty of an offence under this Act

(3) The subjection of any person on the order of a competent court to any form of punishment recognized by written law shall be deemed not to constitute an offence under subsection (1).

(4) A person guilty of an offence under this Act shall on conviction alter trial by the High Court be punishable with imprisonment of either description for a term not less than seven years and not exceeding ten years and a fine not less than ten thousand rupees and not exceeding fifty thousand rupees.

(5) An offence under this Act shall be a cognizable offence and a non-bailable offence, within the meaning, and for the purposes, of the Code of Criminal Procedure Act, No. 15 of 1979.

Acts done during state of war & c. or on order of Superior Officer not to be a defence to an offence under this Act. **3.** For the avoidance of doubts it is hereby declared that the fact that any act constituting an

offence under this Act . was committed"

(a) at a time when there was a state of war, threat of war., internal political instability or any public emergency;

(b) on an order of a superior officer or a public authority,

shall not be a defence to such offence.

Jurisdiction of the High Court to try offences under this Act committed outside Sri Lanka. 4.

(1) The High Court of Sri Lanka shall have the jurisdiction to hear and try an offence under this Act committed in any place outside the territory of Sri Lanka by any person, in any case where"

(a) the offender whether he is a citizen of Sri Lanka or not, is in Sri Lanka, or on board a ship or aircraft registered in Sri Lanka ;

(b) the person alleged to have committed the offence is a citizen of Sri Lanka ; or

(c) the person in relation to whom the offence is alleged to have been committed is a citizen of Sri Lanka.

(2) The jurisdiction of the High Court of Sri Lanka in respect of an offence under this Act committed by a person who is not a citizen of Sri Lanka, outside the territory of Sri Lanka, shall be exercised by the High Court holden in the Judicial Zone nominated by the Chief Justice, by a direction in writing under his hand.

Evidence.5. A confession otherwise inadmissible in any criminal proceedings shall be admissible in any proceedings instituted under this Act, for the purpose only of proving the fact that such confession was made.

Rights of certain persons arrested under this Act. 6. Where a person who is not a citizen of Sri Lanka is arrested for an offence under this Act, then he shall be entitled to communicate without delay with the nearest appropriate representative of the State of which he is a national or if he is a stateless person, the nearest appropriate representative of the State where he usually resides,

Duty of Minister to inform other States having jurisdiction over an offence. 7.

(1) Where a person is arrested for an offence under this Act, the Minister in charge of the subject of Foreign Affairs shall inform the relevant authorities in any other State having jurisdiction over that offence, of the measures which the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition that person, for that offence.

(2) Where a request is made to the Government of Sri Lanka, by or on behalf of the Government of any State for the extradition of any person accused or convicted of the

offence of torture, the Minister in charge of the subject of Foreign Affairs shall, on behalf of the Government of Sri Lanka, forthwith inform the Government of the requesting State, of the measures which the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person, for that offence.

(3) Where it is decided that no order should be made under the Extradition Law. No. 8 of 1977, for the extradition of any person accused or convicted of the offence of torture pursuant to a request for his extradition made under that Law, by the Government of any State, the case shall be submitted to the relevant authorities, so that prosecution for the offence which such person is accused of, or other appropriate action may be considered.

Amendment to Extradition Law, No. 8 of 1977.

Provision regarding extradition arrangement.

9.

8. The Extradition Law. No. 8 of 1977, is hereby amended in the manner set out in the Schedule to this Act.

(1) Where there is an extradition arrangement in force between the Government of Sri Lanka and the Government of any oilier State, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect of the offence of torture as defined in the Convention, and of attempting to commit, aiding and abetting the commission of, or conspiring to commit, the offence of torture as defined in the Convention.

(2) Where there is no extradition arrangement made by the Government of Sri Lanka with any State, in force on the date of the commencement of this Act, the Minister may, by Order published in the Gazette, treat the Convention, for the purposes of the Extradition Law, No. 8 of 1977, as an extradition arrangement made by the Government of Sri Lanka with the Government of that State, providing for extradition in respect of the offence of torture as defined in the Convention and of attempting to commit, aiding and abetting the commission of, or conspiring to commit, the offence of torture as defined in the Convention.

Duty of Government to afford assistance to other States. **10.** The Government shall afford such assistance (including the supply of any relevant evidence at its disposal) to the relevant authorities of any State as may be necessary in connection with criminal proceeding instituted in that State against any person, in respect of the offence of torture.

Sinhala text to prevail in case of inconsistency. **11.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail,

Interpretation. **12.** In this Act. unless the context otherwise requires"

" Convention " means the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment signed in New York on December 10, 1984;

" public officer " means a person who holds any paid office under the Republic ;

" torture" with its grammatical variations and cognate expressions, means any act which

causes severe pain, whether Physical or mental, to any other person, being an act which is"

(a) done for any of the following purposes that is to say"

(i) obtaining from such other person or a third person, any information or confession; or

(ii) punishing such other person for any act which he or a third person has committed, or is suspected of having committed ; or

(iii) intimidating or coercing such other person or a third person ;
or

(b) done for any reason based on discrimination,
and being in every case, an act which is done by, or at the initiation of, or with the consent or acquiescence of, a public officer or other person acting in an official capacity.