



CPA Statement on the Resuming of the Death Penalty

27th June 2019, Colombo, Sri Lanka: The Centre for Policy Alternatives (CPA) is deeply alarmed by President Maithripala Sirisena’s comments made on 26th June 2019 on signing the death warrants of four persons convicted of drug-related offences; advocating the repeal of the Nineteenth Amendment to the Constitution; attacking the Parliament Select Committee probing the Easter Sunday attacks; and attacking NGOs, among others. All these comments require urgent attention considering their impact on democracy, governance and security in Sri Lanka, and CPA will provide specific comment on each in future, but at the present moment it focuses on the most urgent matter—resuming the death penalty—which is reported to be imminent.

At the outset, CPA notes that resuming the death penalty goes against decades of Sri Lanka’s domestic and international policy practice. Sri Lanka has maintained a de facto moratorium on the death penalty since 1976. The secretive nature in which the process is being carried out is also extremely concerning as none of the details of who is to be executed, the exact crimes they were convicted of and the date they will be executed have been made public.

Resuming the death penalty goes against a rapidly accelerating global trend towards its abolishment. Since 1976, when Sri Lanka’s last execution was carried out, 87 countries have abolished the death penalty completely, and today more than two-thirds of the world’s countries have abolished it in law or practice. Additionally, there is growing international recognition that harsh, punitive measures are ineffective at addressing drug-related social issues, which is driving the adoption of rehabilitation and decriminalisation measures instead. Resuming the death penalty for drug-related crimes would therefore make Sri Lanka an outlier among strong international consensus.

CPA also notes that Sri Lanka is obliged under international law to refrain from carrying out the death penalty. Sri Lanka is a signatory to the Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) which both stress the right to life and oblige states to impose the death penalty in only the most exceptional circumstances for the most serious crimes. The UN Human Rights Committee, which interprets the ICCPR, has repeatedly held that drug offences do not meet the threshold of “most serious crimes”. Further, in 2007, 2008, 2010, 2016 and 2018, Sri Lanka voted for UN General Assembly Resolutions in support of the moratorium on the use of the death penalty.

Morally, the use of the death penalty speaks to the kind of society a country aspires to have. All the major religions practiced in Sri Lanka are founded on principles of non-violence. The re-imposition of the death penalty is a clear violation of these principles. While CPA recognises that the criminal justice system should reproach persons who have committed and are convicted of

offences, it also stresses that mistakes can be made in even a perfect legal system. The unique significance of the death penalty as a criminal punishment is its irreversible nature. There are countless examples from around the world where persons sentenced to death have been found not guilty of the crimes they were charged with. The possibility of causing the deaths of innocent persons is a heavy burden for a country to have on its conscience.

CPA calls upon President Sirisena to immediately halt plans of carrying out the death penalty. We also urge the Parliament of Sri Lanka to initiate urgent reforms to repeal the death penalty, a power no one person should possess in a constitutional democracy based on the rule of law. Finally, we call upon fellow citizens and others to publicly condemn the imposing of the death penalty and to agitate on the need for urgent reforms.