

2nd of July 2019

Dear Member of Parliament,

Need for Legislative Reforms to Prevent the Execution of the Death Penalty

President Maithripala Sirisena on 26th June 2019 commented of having signed four warrants to execute inmates who are currently on death row. No details have been shared publicly on the identity of the four individuals. The death penalty was not implemented in Sri Lanka since 1976 and a moratorium for 43years is currently in force.

Since 2007 the UN General Assembly has adopted seven resolutions calling for the establishment of a “moratorium on executions with a view to abolishing the death penalty” with Sri Lanka having voted in favour of five of these resolutions, including most recently in December 2018. The resuming of executions would, therefore, go against the position taken by Sri Lanka in the international fora over the years. This is also in a context where a majority of countries have abolished the death penalty in their respective contexts and there is a decrease of executions carried out globally. Therefore, to revive the death penalty would be against this global human rights trend. Further, it is now established that drug-related offences are not considered as ‘most serious crimes’ under Article 6(2) of the ICCPR.

At the practical level, there is no evidence to demonstrate that the death penalty is a deterrence to crime. It must also be noted in a country like Sri Lanka with prevalent impunity, corruption and problems in the criminal justice, the possibility of an innocent person being convicted is extremely high with the potential for a miscarriage of justice. As you are aware, the implementation of the death penalty is irreversible and in the event of a miscarriage of justice may lead to a cruel and inhuman degrading punishment and irreparable harm.

The Centre for Policy Alternatives (CPA) writes to you in the context of urgent legislative reforms needed in the criminal justice system in Sri Lanka including the need to abolish the death penalty from all existing statutes. Such a measure would ensure there is no miscarriage of justice and that one single individual does not have the power to decide on life and death. We urge you as a representative of the people to take this critical step to prevent an irreparable and irrevocable step that can lead to taking the life of an individual. We also request you to explore the urgent need to initiate criminal justice reforms including introducing reforms to address delays in the system and structural reforms. Some of these issues have already been explored by the Parliament Sectoral Committee on Legal Affairs (Anti-Corruption) and Media as well as other initiatives. CPA is also able to assist if additional information is required and we look forward to engaging in this regard.

Thank you



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