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COMMISSION ON HUMAN RIGHTS
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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

SRI LANKA

[19 January 1988]

DOMESTIC LEGISLATIVE, JUDICIAL, ADMINISTRATIVE OR OTHER
MEASURES TO GIVE EFFECT TO THE APARTHEID CONVENTION

1. Recognition that apartheid is a crime against humanity
 - (i) Politically, Sri Lanka has taken an uncompromising stand against apartheid and has steadfastly condemned it both at the United Nations and in other international forums as a crime against humanity which violates the principles of international law. Sri Lanka has consistently supported and voted for all resolutions in the United Nations aimed at combating and eradicating apartheid in South Africa. In a message to the World Conference for Action Against Apartheid held in Lagos, Nigeria, August 1977, the President of Sri Lanka stated as follows:

"Sri Lanka has associated herself fully with the international community in the campaign to eradicate apartheid which we consider to be a threat to peace and security and a gross violation of Human Rights."

- (ii) The Government of Sri Lanka has imposed deterrent punishment on a private group of Sri Lankan cricketers for touring South Africa. They were banned from participating in cricket tournaments in Sri Lanka or representing Sri Lanka at international cricket tournaments for 25 years, which, in effect would mean a ban for life.
- (iii) Sri Lanka does not have diplomatic relations with South Africa. The Government does not have any trade or economic relations with South Africa. There are no Sri Lankan investments in South Africa or South African investments in Sri Lanka.

2. Legislative, judicial and administrative measures to prosecute, bring to trial and punish in accordance with local jurisdiction persons responsible for or accused of the acts defined in article II of the Convention.

- (i) Article IV of the Convention imposes an obligation to adopt legislative and other measures to bring to trial and punish persons accused of the acts defined in article II. Many of the acts which constitute "the crime of apartheid" are common crimes in Sri Lanka and are punishable either under the Penal Code or other enactments in Sri Lanka.

Although the crime of apartheid is not specifically designated as a crime since distinction on the basis of colour is not prevalent in our jurisdiction, many of the acts which constitute "the crime of apartheid" - i.e. murder, serious bodily and mental injury, arbitrary arrests, illegal imprisonment - are made punishable either under the Penal Code or other enactments. Even with regard to other acts which come within the category of "the crime of apartheid" and which involve a violation of basic human rights and fundamental freedoms, although such acts are not penal offences under our law, persons aggrieved by such acts have recourse to the Supreme Court under the provisions of article 126 of the Constitution.

- (ii) Fundamental rights enshrined in the Constitution which seek to ensure that no person would be subjected to discrimination on grounds of race, religion, language, caste, sex, political opinion or place of birth are made justiciable before the Supreme Court. Relief can be claimed both against actual infringement as well as against imminent infringement of fundamental rights by executive or administrative action.
- (iii) Furthermore, the review of legislation already in force and the consideration of amendment or enactment of new legislation in order to bring the legal system in accord with international standards of human rights is undertaken by the Sri Lanka Law Commission. The Commission is charged with the general duty of keeping under review the law, both substantive and procedural, with a view to its systematic development and reform, the codification of the law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments and generally the simplification and modernization of the law. It is also the duty of the Commission to keep under constant review, the exercise by bodies other than Parliament of the power to legislate by subsidiary legislation, with a view to ensuring that they conform to well-established principles and to the rule of law.

The current programme of work of the Commission includes the enforcement of fundamental rights. The question of supplementing the existing legislation in the light of Sri Lanka's accession to international instruments relating to human rights, will be considered by the Commission under this item.

3. Legal framework for extradition

- (i) Article 11 of the Convention requires that acts enumerated in article II shall not be considered political crimes for purposes of extradition. The Extradition Law of Sri Lanka is contained in Law No. 8 of 1977. Section 7 (1) (a) incorporates the general principle of the law of extradition that extradition would not be granted where the offence in respect of which an offender is accused or convicted is an offence of a political character. This provision is presently being re-examined with a view to restricting the application of the "political crimes" exception in respect of offences involving an indiscriminate use of violence. This has been undertaken pursuant to Sri Lanka becoming a party to several multilateral Conventions.

4. Legal framework to accept and carry out decisions of the Security Council

- (i) With regard to the obligation in article VI of the Convention to carry out decisions of the Security Council, the United Nations Act. No. 45 of 1968 makes provision to give effect to Sri Lanka's obligations under Article 41 of the Charter.
- (ii) In terms of this Act, if under Article 41 of the United Nations Charter, the Security Council of the United Nations calls upon the Government of Sri Lanka to apply any measures to give effect to any decision of the Council, the Minister in charge of the subject of Foreign Affairs is empowered by regulation to make such provision as appears to him necessary or expedient for enabling those measures to be effectively applied including such provision for the apprehension, control and punishment of persons offending against regulations.

Note: Information on the socio-political and the constitutional system of Sri Lanka is available for consultation in the files of the Centre for Human Rights of the United Nations Secretariat as submitted by the Government of Sri Lanka in English.