

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 37/007/2004 (Public)
News Service No: 299
23 November 2004

Sri Lanka: Amnesty International concerned at reactivation of death penalty

Amnesty International is gravely concerned at the recent announcement that the death penalty will be reactivated in Sri Lanka.

The announcement, issued by the Office of the President on 20 November, stated that "the death penalty will be effective from today for rape, murder and narcotics dealings". It comes in response to the murder of a High Court judge, Honourable Sarath Ambepitiya, and a policeman who was providing security to him, both of whom were shot on 19 November. It is not known who carried out the murder, although it is suspected that it may be related to organised crime.

The death penalty is a violation of the right to life and is the ultimate cruel, inhuman and degrading punishment, according to Amnesty International. The organization recognises that Sri Lanka has for some time been facing an increase in serious crime and the state must respond to this. However, the death penalty violates human rights and there is no proof that it is a more effective deterrent to crime than imprisonment. Moreover, given the significant failings within the Sri Lankan justice system, including frequent reports of torture in custody to extract confessions, the chances of innocent people being executed are high.

The reactivation of the death penalty by Sri Lanka would be a retrograde step, ending a 27 year moratorium on executions. Over the past decades Sri Lanka has been one of the Asian states that has set an example in the region by rejecting the death penalty, and this step will break with that tradition and with the international trend towards abolition of the death penalty. Amnesty International urges the President and government to search for other solutions to address criminality and to withdraw plans to reactivate the death penalty.

Background

The last execution in Sri Lanka was carried out in June 1976. Since then consecutive presidents have automatically commuted all death sentences. In March 1999, amid reports of rising crime, the government announced that death sentences would no longer be automatically commuted when they came before the President. However, following widespread condemnation, this policy was not implemented.

During a meeting with an Amnesty International delegation visiting Sri Lanka in June 2002, President Chandrika Bandaranaike Kumaratunga promised to continue the practice of automatically commuting all death sentences that come before her.

In 1999, Amnesty International proposed the appointment of a commission or similar body to study the apparent rise in criminality in the country and make recommendations for effective measures

which could be taken without resort to the death penalty. In June 2001, the then Minister of Justice indicated his interest in commissioning such a study. In March 2003, Amnesty International made a similar proposal to the Prime Minister and Minister of Interior, but did not receive a response.