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SRI LANKA

13 PRISONERS AT RISK OF IMMEDIATE EXECUTION

After 43 years without using the death penalty, President Maithripala Sirisena is reportedly planning to resume executions of prisoners on death row. There is complete secrecy around the identities of the prisoners who are expected to be executed imminently. No information about their case histories has been shared. It is unknown whether the individuals had fair trials, access to lawyers or whether they were able to engage in a meaningful clemency process. The last execution in Sri Lanka was in 1976. 2019 cannot be the year that we see this progress reversed.

Please send an urgent message to the president, making some of the points below.

- * Express concern at plans to resume executions, beginning with 13 individuals on death row.
- * Request respect of the fundamental rights of the 13 which include the rights to life, to security of person and to freedom from cruel, degrading treatment. (Articles 3 and 5 of the Universal Declaration of Human Rights)
- * Acknowledge the government's determination to combat drug use and drug-related crime but explain the lack of evidence that implementing the death penalty can end such crime. The failure of the death penalty to act as a deterrent to drug-related crime has been recognized by Iran, Malaysia and other countries that also continue to execute prisoners.
- * Remind him that execution is not reversible should the judicial process make a mistake in sentencing.
- * Call on him to reconsider his decision to hang the 13 prisoners, and to commute their sentences.
- * Urge him to retain Sri Lanka's positive death penalty record and to establish a moratorium on all executions with a view to abolish the death penalty entirely.

Write to

President Maithripala Sirisena
Presidential Secretariat
Galle Face
Colombo 01
Colombo, Sri Lanka

Fax: 011 94 11 234 0340
Email: ps@presidentsoffice.lk
Twitter: @MaithripalaS
Facebook: <https://www.facebook.com/maithripalas/>
Salutation: Dear President Maithripala Sirisena

Please copy

His Excellency Madukande Asoka Kumara Giriagama
High Commissioner for Sri Lanka
333 Laurier Avenue W, Suite 1204
Ottawa, Ontario K1P 1C1
Fax: 613 238 8448
E-mail: slhcit@rogers.com

Additional information

By seeking executions for drug-related crimes, the death penalty in Sri Lanka is being used in circumstances that violate international law and standards. Executions have failed to act as a unique deterrent to crime in other countries, could claim the lives of people who may have been convicted through unfair trials, and could disproportionately affect people from minority and less advantaged socio-economic backgrounds.

Amnesty International is concerned that judicial proceedings in Sri Lanka may have not met international standards for a fair trial and resulted in the imposition of the death penalty. The National Human Rights Commission of Sri Lanka noted on the basis of the complaints it received that “torture is routinely used in all parts of the country regardless of the nature of the suspected offence for which the person is arrested. For instance, those arrested on suspicion of robbery, possession of drugs, assault, treasure hunting, dispute with family/spouse, have been subjected to torture.

The prevailing culture of impunity where those accused of torture is concerned is also a contributing factor to the routine use of torture as a means of interrogation and investigation.” The widespread use of torture, and possible reliance on “confessions” extracted under torture, directly affects the right to a fair trial of every individual. The denial of a fair trial denies individuals the right to equality before the law and the right to due process. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka has similarly commented on the use of torture that could lead to “confessions” extracted under torture: “Most torture survivors indicated that the acts of torture ceased after they confessed, which sometimes included signing blank papers or documents in a language they could not read.”

The possibility that a skewed justice process could lead to a cruel and irreversible sentence being handed out, and even worse, the possibility that such a sentence could be implemented, is alarming. It would lead to a grave and irreversible miscarriage of justice and would violate the right to a fair trial of those who are thus condemned to death.

The secrecy surrounding President Maithripala Sirisena’s plans to resume executions obfuscates the facts of their trials, sentencing and conviction.

No criminal justice system can decide fairly who should live or who should die. Sri Lanka has not implemented this ultimate cruel, degrading and inhumane punishment for more than four decades. It should continue to honour a tradition that chooses life instead of vengeance.

Amnesty International opposes the death penalty in all cases and under any circumstances, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. The organization has been campaigning for global abolition of the death penalty for over 40 years.