



PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

PREVENTION OF HOSTAGE TAKING ACT, No. 41 OF 2000

[Certified on 9th August, 2000]

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Prevention of Hostage Taking Act, No. 41 of 2000

[Certified on 9th August, 2000]

L.D.—O. 19/99.

AN ACT TO GIVE EFFECT TO THE CONVENTION AGAINST THE
TAKING OF HOSTAGES ; AND FOR MATTERS CONNECTED
THEREWITH AND INCIDENTAL THERETO.

WHEREAS the International Convention against the taking of hostages was adopted by the General Assembly of the United Nations on the Seventeenth day of December One Thousand Nine Hundred and Seventy Nine :

Preamble.

AND WHEREAS Sri Lanka intends to accede to the aforesaid Convention :

AND WHEREAS it is necessary to make legal provision to give effect to Sri Lanka's obligations under the aforesaid Convention :

NOW THEREFORE, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Prevention of Hostage Taking Act, No. 41 of 2000 and shall come into operation on such date as the Minister, by Order published in the Gazette, certifies as the date on which the International Convention against the Taking of Hostages (hereinafter referred to as “the Convention”) adopted by the General Assembly of the United Nations on the Seventeenth day of December One Thousand Nine Hundred and Seventy Nine, enters into force in respect of Sri Lanka.

Short title and
date of operation.

2. The Minister may, from time to time, by Order published in the Gazette, certify the States which are parties to the Convention. A State in respect of which an Order is made under this section is hereinafter referred to as “a Convention State”.

Convention States.

3. (1) Any person who—

(a) seizes or detains ; and

(b) threatens to kill, or to injure, or to continue to detain,

Offence of
hostage taking
&c.

another person (hereinafter referred to as “the hostage”) in order to compel a third party, that is to say, any State, an International Intergovernmental Organization, any person or group of persons, to do, or to abstain from doing, any act as an express or implied condition for the release of the hostage, shall be guilty of the offence of hostage taking.

(2) Any person who—

(a) attempts to commit ;

(b) aids or abets the commission of,

the offence of hostage taking shall be guilty of an offence under this Act.

In this subsection, “abet” has the same meaning as in section 100 and 101 of the Penal Code.

(3) A person guilty of an offence under subsection (1) or subsection (2) of this section shall on conviction, after trial on indictment, by the High Court be punished with imprisonment for life.

High Court to try offences under this Act.

4. (1) The High Court of Sri Lanka holden in Colombo or the High Court established by Article 154P of the Constitution for the Western Province shall, notwithstanding anything in any other law, have exclusive jurisdiction to try offences under this Act.

(2) Where an act constituting an offence under this Act is committed outside Sri Lanka, the High Court referred to in subsection (1) shall have jurisdiction to try such offence as if it were committed in Sri Lanka, if—

(a) the person who committed such act is present in Sri Lanka ;

- (b) if such act is committed by a citizen of Sri Lanka or by a stateless person who has his habitual residence in Sri Lanka ;
- (c) if such act is committed in order to compel the Government of Sri Lanka, to do, or to abstain from doing, any act ; or
- (d) if such act is committed in respect of a hostage who is a citizen of Sri Lanka.

5. Where a person who is not a citizen of Sri Lanka is arrested for an offence under this Act, such person shall be entitled—

Rights of certain persons arrested for offences under this Act.

- (a) to communicate without delay, with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights, or if he is a stateless person, with the nearest appropriate representative of the State in the territory of which he was habitually resident ; and
- (b) to be visited by a representative of that State.

6. (1) The Extradition Law No. 8 of 1977 is hereby amended by the insertion immediately before Part B of the Schedule to that Law, of the following item :—

Amendment to Extradition Law.

“(44) Hostage taking.”.

(2) Where a request is made under the Extradition Law, No. 8 of 1977, by or on behalf of a Convention State, for the extradition of a person accused or convicted of an offence falling within the description set out in the Schedule to this Act, the Extradition Law, No. 8 of 1977 shall, in its application to such request, have effect as if for the words “race, religion, nationality or political opinions” appearing in paragraphs (b) and (c) of subsection (1) of section 7 of that Law, there were substituted the words “race, religion, nationality, ethnic origins or political opinions”.

Existing extradition arrangements with Convention States deemed to provide for offences in the Schedule.

7. Where there is an extradition arrangement made by the Government of Sri Lanka with any Convention State in force on the date on which this Act comes into operation, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect of the offences specified in the Schedule to this Act.

Minister may treat Convention as an extradition arrangement between Sri Lanka and certain Convention States, in respect of offences in the Schedule.

8. Where there is no extradition arrangement made by the Government of Sri Lanka with any Convention State, the Minister may, by Order published in the Gazette, treat the Convention, for the purposes of the Extradition Law, No. 8 of 1977, as an extradition arrangement made, by the Government of Sri Lanka with that Convention State providing for extradition in respect of the offences specified in the Schedule to this Act.

Assistance to Convention States.

9. The Government of Sri Lanka shall afford all such assistance to, and may through the Minister request all such assistance from, a Convention State as may be necessary for the investigation and prosecution of an offence under section 3 or of an offence specified in the Schedule to this Act, including, assistance relating to the taking of evidence and statements and the serving of process.

Sinhala text to prevail in case of inconsistency.

10. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

SCHEDULE

[Section 7, 8]

- (1) The seizure and detention by one person of another person and the threat by such person to kill, injure or continue to detain, such other person (in this Schedule referred to as “the hostage”) in order to compel any State, international inter-governmental organization, person or group of persons to do, or abstain from doing, any act as an express or implied condition for the release of the hostage.
- (2) Attempt to commit the offence referred to in paragraph (1).
- (3) Aiding and abetting the commission of the offence referred to in paragraph (1).

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