

Review on the Death Penalty by the Human Rights Commission of Sri Lanka



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HUMAN RIGHTS COMMISSION OF SRI LANKA

Review on the Death Penalty by the Human Rights Commission of Sri Lanka

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Introduction

There are ideologies in favour of and against the implementation of the Death Sentence around the world at present. The basic idea of the principle of Five precepts which is closely linked with Buddhism is to abstain from harming the lives of the others. Similarly, the idea to the effect “do not kill” has been highly emphasized in the ‘Ten Commandments’ which is said to have been donated to the prophet Moses, father of the religious principles of Christianity, Roman Catholicism, Islam and Judah by God. But as far as public administration is concerned, written evidences are available to the effect that the Death Penalty has been implemented as punishments to various offences from the ancient times in countries around the world.

The text “THE HISTORICAL RELATION OF ISLAND OF CEYLON” written by Robert Knox has unveiled information relevant to the reign of King Rajasinghe II of Kandyan era. In this text, he has mentioned that 32 punishments were implemented to punish offenders of different offences when he was staying in Sri Lanka and that the Death Penalty too was among the said punishments. During that period the Death Penalty has been performed in different guises. Knox, in his text has explained that methods like beheading, cramping (trampling) using elephants, tying the offender between two trees which have been drawn together and releasing the trees to the normal position were utilized and as a whole, the aforesaid methods of punishments were entirely cruel and full of violence.

Similarly, those who were against the state were also sentenced to Death during the Kandyan era. King Sri Wickrama Rajasinghe, the final ruler of Kandy, at one moment killed one of his Majors by the name of Lewke Disawa (officer in charge of a region) under the presumption that he had gone against his rule. Similarly, having suspicion against his first Adikaram Ehelepola to have conspired with British against the king, all the members of the Ehelepola family were given Death Sentence. There, punishments like putting the small infants inside a mortar and trampling, drowning women in water with stones hung on their necks and beheading boys were performed. It is reported that these punishments were implemented in a very cruel and violent manner.

In 1815 Kandyan leaders handed over the Kandyan kingdom to the British and there both the parties signed the famous Kandyan Convention and a specific factor on Human Rights is included in article 6 of the convention .It says that the violent torture system which was performed under the punishment methods which have been implemented under the rule of Sinhalese kings should come to an end. Although these agreements were implemented with various differences at the practical level later on, the expectations of the then community on violent torture and the Death Sentence were made quite obvious by this article.

Right to life through a Human Rights Perspective

Right to life of all the individuals is ensured as per article 3 of the United Nations Universal Declaration on Human Rights which has been adopted by the Sri Lankan government as well. Similarly, every individual has a right to life as per article 6 of the United Nations Convention on Civil and Political Rights. It should be ensured by law. Similarly, people should not be murdered in an arbitrary manner.

Accordingly, it is evident that United Nations Party countries have accepted an individual's right to life as a human right. In the same way, it has been illustrated by the section 6 of the Civil and Political Rights Covenant that if a certain country has not abolished the death penalty, they have to follow particular limitations when it is implemented. Accordingly,

1. It should be implemented only for cases where very grave offences have been committed
2. A person sentenced to Death should have the right to request pardon, obtain a pardon and to get the punishment reduced.
3. Death Penalty should not be exercised in the case of persons below 18 years and for expecting women.

Even though the right to life has been guaranteed by the United Nations Universal Declaration on Human Rights and by the United Nations Civil and Political Rights Covenant, the United Nations introduced the Optional Protocol .It has been formulated directly targeting the abolition of the

Death Sentence. At the outset it declares the fact that we can be the shareholders to increase the progressive enhancement of human dignity and human rights along with the abolition of the Death Penalty. Accordingly in these party countries no person should be sentenced to death .All the party countries should take action in view of abolishing the Death Penalty within their state boundaries.

But out of the 193 member states of UNO, only 81 states have become partners of this optional protocol. And the majority of the said states have become partners with this optional protocol taking one optional advantage into consideration. That is the clause to the effect that the members of the security forces who are subjected to allegations on war crimes are not covered by the abolition of the Death penalty in an instance where issues related to war crimes arise.

However, as declared by the Amnesty International Organization that provides information on 198 countries of the world,

Number of countries that have abolished the Death Penalty related to all the offences	-98
Number of countries that have abolished the Death Penalty related to general offences	-7
Number of countries that do not enforce the Death Sentence although it exists in the legislature	-35
Number of countries that exercise the Death Penalty	- 58

The countries that have abolished the Death Penalty in relation to all the offences can be identified in all the regions of the world. Not only western European countries with highly sophisticated economies but also the countries of the African region which are considered as the poorest countries of the world are available here. .

Countries like Brazil, Chili, El Salvador, fuji, Israel , Kazakhstan , and Peru have abolished the Death Penalty related to general offences.

Another group of countries do not implement the Death sentence in spite of the fact that it is available in their legislations. These countries are mostly identified as third world countries. South Korea which is one developed industrial country in Asia is also among this category of countries. Even Sri Lanka represents this category. In these countries people are sentenced to death but the required practical provisions are not implemented to exercise capital punishment.

The fourth category of countries are the countries which exercise death penalty. Countries with the richest and the poorest economies of the world come under this category. World's biggest democratic countries such as India and USA are members of this category.

Information with relevance to the implementation of the death Penalty issued by The Amnesty International in the year 2013 are indicated below. Accordingly, information on 198 countries of the world have been included in it.

Table 1

Implementation of the Death Penalty in the world-2013

<i>Region and the total number of countries</i>		Implementation of death penalty							
		<i>Countries that have abolished Death Penalty</i>		<i>Countries that have abolished death penalty for general offences</i>		<i>Countries where Death penalty is not practically implemented</i>		<i>Countries where Death Penalty is implemented</i>	
		<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
<i>Asia</i>	26	5	19.23	0	0	8	30.76	13	50.00
<i>Africa</i>	52	16	30.76	0	0	21	46.15	15	28.84
<i>Europe</i>	54	50	92.59	1	1.85	2	3.7	1	1.85
<i>Northern America</i>	02	1	50.00	0	0	0	0	1	50.0
<i>Latin America & Carribbean Islands</i>	32	14	43.75	4	12.5	1	3.12	13	40.62
<i>Australia and Pacific Islands</i>	14	12	85.71	1	7.14	1	7.14	0	0
<i>Arabia</i>	18	0	0	1	5.5	2.	11.11	15	83.33
<i>Total</i>	198	98	49.49	7	3.5	35	17.67	58	29.29

Source : www.amnesty.org

The analysis on the basis of the aforesaid information is given in the above table. Accordingly, around 49% of the countries in the world have abolished Death Penalty as a whole. The Death Penalty is implemented in around 29% of the countries. In another 18% Death Penalty is not practically implemented although it is included in the legislature. Another 37 % of the countries worldwide do not implement the Death Penalty for general offences. As per the above analysis, countries of the world are divided into 7 groups and studied . There, in the Arabian Region a highest progress is evident in implementing Death Penalty .There are 18 countries in the said region and out of them 83% practically implement the Death Penalty. Europe is the region with the least number of countries implementing the Death Penalty and there only one country out of the total of 54 countries implement Death Penalty. There are 26 countries in the Asian Region and out of these countries 29% implement Death Penalty while 41% of the 32 countries in the Region of Latin America and Caribbean Islands implement it. In the Region of Australia and Pacific, the Death penalty is implemented for specific offences and for other offences no country in the region seem to implement Death Penalty.

As far as the countries which have abolished the Death Penalty are concerned, Europe is evident as a Region. Out of the 54 countries in the European Region, Death Penalty has been abolished in 93%. Out of the countries of the Region of Australia and Pacific, the Death Penalty has been abolished in 86% .Region wise, Arabia is the region where no country has abolished the Death Penalty and even in the Asian Region the Death Penalty has been abolished in around 19% of the countries.

Information with relevance to the countries where the highest figures have been recorded pertaining to the implementation of the Death penalty around the world from 2007 to 2013 are indicated through the following analysis.

Table 2**Ten countries that declared Death Sentence on a highest number of people- 2007-2013**

		year						
		2007	2008	2009	2010	2011	2012	2013
01	Country	China	China	China	China	China	China	China
	Number	470	1718					
02	Country	Pakistan	Iraq	Iran	Pakistan	Pakistan	Pakistan	Pakistan
	Number	317	346	388	252	360	314	369
03	Country	Algeria	Pakistan	Pakistan	Iraq	Iraq	Sudan	Bangladesh
	Number	143	102	120	60	82	129	169
04	Country	Iraq	Algeria	Egypt	Egypt	Iran	Algeria	Afghanistan
	Number	135	37	69	53	68	79	79
05	Country	USA	Bangladesh	Afghanistan	Nigeria	Egypt	Thailand	Vietnam
	Number	42	36	52	46	43	43	39
06	Country	India	Afghanistan	Sri Lanka	Algeria	India	Egypt	Nigeria
	Number	33	34	30	27	41	28	34
07	Country	Bangladesh	Uganda	USA	Malaysia	Malaysia	Vietnam	Somalia
	Number	15	19	9	18	30	19	21
08	Country	Vietnam	USA	Algeria	USA	Sri Lanka	Iraq	Egypt
	Number	15	17	9	17	10	14	13
09	Country	Mongolia	Egypt	Malaysia	India	USA	Iran	Iran
	Number	9	15	8	9	7	9	8
10	Country	Egypt	India	Bangladesh	Afghanistan	Nigeria	India	USA
	Number	9	15	7	8	5	7	7

Source : www.amnesty.org

Table 3**Ten countries that declared Death execution a highest number of people- 2007-2013**

		year						
		2007	2008	2009	2010	2011	2012	2013
01	Country	China	China	China	China	China	China	China
	Number	1860	7003					
02	Country	Iran	Iran	Iran	Iran	Iran	Iran	Iran
	Number	307	258	366	365	313	242	226
03	Country	Saudi Arabia	Saudi Arabia	Iraq	North Korea	S. Arabia	Iraq	Iraq
	Number	271	236	276	279	291	199	220
04	Country	Pakistan	USA	Saudi Arabia	Yemanan	Iraq	S Arabia	S Arabia
	Number	199	200	269	185	156	153	174
05	Country	USA	Pakistan	USA	USA	USA	USA	USA
	Number	100	185	133	151	123	106	148
06	Country	Iraq	Iraq	Yemanan	SArabia	Yemanan	Yemanan	Somalia
	Number	100	131	108	130	110	91	141
07	Country	Vietnam	Vietnam	Sudan	Libya	North Korea	Sudan	Sudan
	Number	93	114	105	114	108	86	117
08	Country	Afghanistan	Afghanistan	Vietnam	Syria	Somalia	Afghanistan	yemenan
	Number	83	11	100	110	106	81	109
09	Country	Libya	North Korea	Syria	Bangladesh	Sudan	Gambia	Japan
	Number	45	87	68	105	78	79	91
10	Country	Japan	Japan	Japan	Somalia	Bangladesh	Japan	Vietnam
	Number	40	70	64	100	72	78	80

Source : www.amnesty.org

As per the above statistics China has continuously maintained the highest records and information on China have not been provided from 2009 onwards. But Amnesty International Organization on the presumption that China has continued with the same highest records for implementing the Death penalty, has placed it on top of the other countries. Mostly it is Pakistan that comes to the second place in the world concerning the implementation of the Death Penalty. As per this table the representation of the Asian countries among the ten highest places is evident in each year. It is explicit that even Sri Lanka has been rated among these top ten

countries in the year 2009. Except in the year 2012, USA , out of the developed and industrialized countries has occupied a place among the top ten countries on all the other occasions .

As far as the periods considered in this analysis are concerned, one outstanding aspect is the fact that no country in the Region of Latin American and Caribbean islands has ever been rated among the top ten.

Death Penalty and Homicide Rate

Facts are presented in view of showing that rigorous punishments are instrumental in the decline of offences in a country. But it is visible that there is no basis for this idea as far as the information issued by the United Nations Office on Drugs and Crime is concerned.

If rigorous punishments are exercised in a particular country, there is less tendency on the part of the citizens to commit offences and as a result it is problematic whether such rigorous punishments are required to be implemented continuously in such a situation.

As per the statistics revealed by the website of the United Nations Office on Drugs and Crime in 2014, three countries Salvador, Guatemala and Honduras which belong to the region of Latin America and Caribbean Islands record the highest homicide rates of the world.

Table No.4**Homicide rate in El Salvador, Honduras and Guatemala From 1995 to 2011**

year	Country		
	Elsalvador	Honduras	Guatemala
1995	139.1	-	32.5
1996	117.3	-	35.3
1997	112.6	-	38.1
1998	95.0	-	30.9
1999	65.0	42.1	24.2
2000	59.8	51.1	25.8
2001	60.2	55.0	28.1
2002	47.3	56.0	30.8
2003	55.9	33.6	35.0
2004	64.6	32.0	36.3
2005	62.5	35.1	42.0
2006	64.6	43.0	45.1
2007	57.3	45.6	43.3
2008	51.9	61.3	46.0
2009	71.1	70.7	46.3
2010	64.4	82.1	41.4
2011	70.2	91.6	35.5

Source : www.unodc.org

According to Amnesty International, out of those countries, El Salvador is a country in which capital punishment is decreed for specific crimes not for ordinary crimes . Honduras is a country in which capital punishment is abolished. In Guatemala capital punishment is being continued. However, in these three countries a higher rate of homicide is reported. Special attention has been paid by these three countries on homicide rates using three forms of methodologies. However, it is precise that the progress achieved by these countries is not satisfactory.

The countries in the world are categorized and ranked on human development by UNDP. Accordingly the aforesaid countries have been categorized as countries which have a middle level human development.

186 countries have been categorized in the year 2012 as per 2013 report. According to that categorization El Salvador, Guatemala and Honduras are ranked at 107th, 133 th and 120th places respectively. Irrespective of the fact that these countries have a middle level human development a higher homicide rate is reported in these countries. On the contrary in the countries which have a lower level human development vis – a – vis these countries, the homicide ratio is at a comparatively lower level. The aforesaid fact indicates that it is not clear whether the development of a country or the implementation of capital punishment makes any impact on the increase of the crime rate. However all the aforesaid three countries are situated in the same region.

So it seems that some factors prevalent in the social and cultural atmosphere in the regions may have made some impact on this. The influence of the methodologies such as capital punishment adopted in the prevention of crime is questionable.

Iceland, Norway and Sweden are prominent among the countries in which the lowest homicide rate in the world is reported. These countries are Scandinavian countries, which are situated in Northern Europe. The homicide rate in these counties is given below.

Table No. 5**Homicide Rate in Iceland, Norway and Sweden from 1995 up to 2011.**

Year	Country		
	Iceland	Norway	Sweden
1995	0	1.0	0.9
1996	0.4	1.0	1.1
1997	0.7	0.9	1.0
1998	0	0.9	1.1
1999	0.7	0.8	1.1
2000	1.8	1.1	1.0
2001	0.4	0.8	0.9
2002	1.4	1.0	1.1
2003	0	1.1	0.9
2004	1.0	0.8	1.2
2005	1.0	0.7	0.9
2006	0	0.7	1.0
2007	0.7	0.6	1.2
2008	0	0.7	0.9
2009	0.3	0.6	1.0
2010	0.6	0.6	1.0
2011	0.9	2.3	0.9

Source : www.unodc.org

The aforesaid three countries can be identified as countries in which the lowest homicide rate in the world is reported. Capital punishment is abolished in all these three countries. The fact that capital punishment is not decreed even though crimes are committed has not made any influence on the increase of crime in these countries. On the other hand according to UNDP these three countries are among the countries which reported a higher human development index in the world in the year 2013. Norway, Sweden and Iceland are ranked at the 1st, 7th and the 13th places respectively. All these three countries are situated in the Scandinavian region. However, we cannot say that the higher development prevalent in these countries has made any influence to make the crime level of these countries lower.

According to the information submitted by Amnesty International

China, Japan and Saudi Arabia are prominent among the countries in which capital punishment is implemented. The homicide rate in these countries is given below.

Table No. 6

The Homicide Rate in China, Japan and Saudi Arabia from the year 1995 up to 2011

Year	Country		
	China	Japan	Saudi Arabia
1995	-	0.5	-
1996	-	0.5	-
1997	-	0.5	-
1998	-	0.6	-
1999	-	0.5	0.9
2000	-	0.5	0.9
2001	-	0.5	1.1
2002	2.0	0.5	1.3
2003	1.9	0.6	1.1
2004	1.9	0.6	1.3
2005	1.6	0.5	1.2
2006	1.4	0.5	1.0
2007	1.2	0.5	1.0
2008	1.1	0.5	-
2009	1.1	0.4	-
2010	1.0	0.4	-
2011	-	0.3	-

Source : www.unodc.org

Even though capital punishment is implemented by these countries, it seems that the homicide rate in these countries is at a lower level.

According to the information submitted by UNDP China is a country which has a middle level human development rate. China is ranked as the 101st place in regard to social development line-up in the world in the year 2013. Japan is ranked at the 7th place while Saudi Arabia is ranked at the 57th place in this line-up. Though China is ranked at the 101 st place in regard to human development, it is a powerful country in the world as far as economic development is concerned. However, the homicide rate is at a lower level in these three countries. Even though these countries are at a higher level as

far as human development and economic development are concerned, implementation of capital punishment is done at a higher rate in these countries annually.

When these countries are considered we can see that the implementation of representative democracy is done at a lower level in China and Saudi Arabia while Japan, which was a country that spread colonialism in Asia by the time the second world war was being waged, has become a country that spreads strict domination both inside and outside the country. Hence, implementation of capital punishment in a country can be viewed as the result of a complex process driven by the feeling of social, cultural, domination and the influence of religious factors, which is far beyond the human development and economic capability of the country.

Implementation of Capital punishment in Sri Lanka

Capital punishment has not been abolished in Sri Lanka yet. However, this punishment has not been implemented in Sri Lanka since 1976. Sri Lanka is ranked at the 92nd place in the Human Development Index prepared by UNDP. Sri Lanka is among the countries which have a higher human development. The homicide rate in Sri Lanka during the period from the year 2005 up to 2010 is given below.

Table No. 7

Homicide Rate in Sri Lanka 2005 – 2010

Year	Rate
2005	6.2
2006	10.2
2007	8.2
2008	7.3
2009	4.6
2010	3.6

Source : Sri Lanka Prison Statistics Volume 30 - 2011

According to the aforesaid data a sharp decline can be viewed in the homicide rate in Sri Lanka during the period from the year 2005 up to 2010. However, the social and cultural factors which have influenced it cannot be revealed without a deep analysis in regard to them. Prison statistics issued by the Department of Prisons annually are given below.

Note No. 08.

Implementation of Capital punishment as per offence - 2004 – 2010

Year	The number of persons to whom capital punishment was decreed	The number of persons who were subjected to capital punishment	The number of persons in regard to whom capital punishment was converted into other punishments
2000	72	-	-
2001	67	-	-
2002	69	-	-
2003	102	-	-
2004	68	-	-
2005	113	-	-
2006	165	-	-
2007	176	-	-
2008	128	-	-
2009	108	-	-
2010	96	-	-

Source : Prison statistics of Sri Lanka - Vol. 30 year 2011.

The table categorises the persons to whom capital punishment was decreed during the period from the year 2004 up to 2010 as per the offences committed. Capital punishment is mainly decreed in Sri Lanka for murder and drug related offences.

Accordingly capital punishment was decreed to the convicts of drug related offences in the years 2006, 2007 and 2008. Decreeing capital punishment to the convicts of drug related offences is at a lower level when compared with the number of convicts of murder to whom capital punishment was decreed.

Even though capital punishment was decreed from the year 1976, there can be viewed an accumulation in prisons, of the persons, to whom capital punishment has been decreed, due to the fact that the

aforesaid punishment is not implemented. Information contained in Prison Statistics of Sri Lanka Volume 30 – Year 2011 is given below.

Note No. 09.

Decreeing Capital Punishment in Sri Lanka

Year	Offence		Total
	Murder	Offences Related to Dugs	
2004	68	-	68
2005	113	-	113
2006	163	2	165
2007	167	9	176
2008	124	4	128
2009	108	-	108
2010	96	-	96

Source : Prison Statistics of Sri Lanka Volume 30- Year 2011.

This table provides information in regard to decreeing of capital punishment in each year from the year 2000 and as per the aforesaid information capital punishment has been decreed to at least 67 persons in the year 2001. Capital punishment has been decreed to 165 persons in the year 2006. The number of persons in prisons who get accumulated in this manner seem to be there until they face a natural death.

Information of the persons in this group in regard to whom capital punishment has been lifted and converted in to another punishment is not available in this table. This situation creates a number of problems. The huge number of persons who get accumulated in prisons due to the non-implementation of capital punishment should be provided with special security. Prisons have to utilize the work force allocated for some other duties for this purpose. The reason is that in a situation in which capital punishment has not been abolished the Department of Prisons will have to prepare these persons to suit the required circumstances in which capital

punishment is implemented in the future. On the other hand the Department of Prisons has to pay additional attention in regard to factors such as the arrival of visitors to see these persons and the welfare of their families.

Among the daily activities carried out for death row convicts, there is an occasion on which they are taken to open areas for a period of half an hour per day. This activity, which was carried out during the times when capital punishment was implemented, is continuing without any change even in the year 2004 by which 26 years have lapsed since the implementation of capital punishment was stopped. Various health problems can be seen emerging in these persons within these circumstances. Defects of vision and other physical illnesses emerge in them. This situation arises as an external problem of incarceration and in a situation in which capital punishment has not been implemented for a long period of time ,though it has been decreed by law, special attention has to be paid to this problem. Therefore action has to be taken to minimize the tendency of their becoming ill through a reasonable optional methodology.

There were occasions in the recent past when the death row convicts launched demonstrations asking for their punishment be implemented or else they be released. However, it has become a big challenge to hold these persons who are held by court order until the other part of that court order is executed.

Responsibility of the Human Rights Commission of Sri Lanka in regard to Death Row Convicts.

The Human Rights Commission as a national institution of human rights accepts the right of people to life. Therefore the Human Rights Commission cannot agree with the fact that people are deprived of their right to life due to the implementation of capital punishment. As per the powers conferred by the Human rights Commission of Sri Lanka Act No. 21 of 1996 on the Human Rights Commission of Sri Lanka the Commission has powers to provide instructions to make national laws which comply with the extracts of the international law.

Recommendations of the Human Rights Commission of Sri Lanka

1. Making Sri Lanka a stakeholder of the Second Optional Protocol of the International Covenant on Civil and Political Rights and abolishing capital punishment accordingly.
2. Taking necessary steps to convert the capital punishments decreed on death row convicts in prisons at present into life imprisonment.
3. Creating an expeditious rehabilitation process to be implemented for death row convicts in prisons at present.
4. Obtaining knowledge by studying the lessons learnt by Asian and African countries that have abolished capital punishment from the courses of action taken by them during the interim periods that they did that act.
5. Introducing a new penalty system to be used by the countries which implement capital punishment.
6. Educating the society in regard to the offences for which capital punishment is decreed.
7. Incorporating into the school curriculum the facts which are conducive to prevent the creation of criminal personalities in the society.
8. Taking necessary action to implement all the plans in the country, which are required to build up a human rights culture based on the integration of the importance of the right to life into the society.

Review

Accepting the right to life is the basic step taken in regard to human respect. Irrespective of the fact that capital punishment was implemented throughout the world history, the countries in the world have paid their attention to consider the right to life as a symbol of civility since the middle of the 20th century.

The information contained in the whole of this report confirms the fact that decreeing capital punishment does not contribute to the reduction of crime or the creation of a secure society.

Capital punishment, the implementation of which has been suspended in Sri Lanka, has to be abolished there.

It will be a great opportunity for Sri Lankans to achieve in the human civilization to their get their right to life confirmed . Therefore, this report indicates the responsibility which lies on the Sri Lanka Human Rights Commission to guide Sri Lanka achieve that aim.

Justice Priyantha R. P. Perera
Former Judge of the Supreme Court of Sri Lanka
Chairman
Human Rights Commission of Sri Lanka

Dr. Prathiba Mahanamahewa
Commissioner

Mrs. Jezima Ismail,
Commissioner

Mr. T. E. Anandaraja,
Commissioner

Dr. Bernard de Zoysa,
Commissioner

Further Reading.

1. Holy Bible, Ceylon Bible Society
2. The Historical Relations of Island of Ceylon by Robert Knox
3. Kandyan Convention
4. Universal Declaration on Human Rights
5. International Covenant of Civil and Political Rights
6. Second Optional Protocol to the International Covenant on Civil and Political Rights
7. Human Development Report – 2013 by UNDP
8. Prison Statistics of Sri Lanka- Volume 30.year 2011, Department of Prisons
9. Amnesty International - www.amnesty.org
10. United Nations Office on Drugs and Crime - www.unodc.org

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

Adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989 The States Parties to the present Protocol,

Believing that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights,

Recalling article 3 of the Universal Declaration of Human Rights, adopted on 10 December 1948, and article 6 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966,

Noting that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable,

Convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life,

Desirous to undertake hereby an international commitment to abolish the death penalty,

Have agreed as follows:

Article 1

1. No one within the jurisdiction of a State Party to the present Protocol shall be executed.
2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

Article 2

1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war

pursuant to a conviction for a most serious crime of a military nature committed during war time.

2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.
3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

Article 3

The States Parties to the present Protocol shall include in the reports they submit to the Human Rights Committee, in accordance with article 40 of the Covenant, information on the measures that they have adopted to give effect to the present Protocol.

Article 4

With respect to the States Parties to the Covenant that have made a declaration under article 41, the competence of the Human Rights Committee to receive and consider communications when a State Party claims that another State Party is not fulfilling its obligations shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 5

With respect to the States Parties to the first Optional Protocol to the International Covenant on Civil and Political Rights adopted on 16 December 1966, the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 6

1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.
2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

Article 7

1. The present Protocol is open for signature by any State that has signed the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 8

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present protocol shall enter into force three

months after the date of the deposit of its own instrument of ratification or accession.

Article 9

The provisions of the present protocol shall extend to all arts of federal States without any limitations or exceptions.

Article 10

The Secretary-General of the United Nations shall inform all States referred to in article 48, Paragraph 1, of the Covenant of the following particulars:

- (a) Reservations, communications and notifications under article 2 of the present protocol;
- (b) Statements made under articles 4 or 5 of the present protocol;
- (c) Signatures, ratifications and accessions under article 7 of the present Protocol;
- (d) The date of the entry into force of the present Protocol under article 8 thereof.

Article 11

- 1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.