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இலங்கை சனாதிபதி
President of Sri Lanka

DIRECTIONS ISSUED BY HIS EXCELLENCY THE PRESIDENT, COMMANDER –IN-CHIEF OF THE ARMED FORCES AND MINISTER OF DEFENCE

I, Maithripala Sirisena, President, Commander-in-Chief of the Armed Forces and the Minister of Defence being of the opinion that it is necessary to issue directions to the Heads of the Armed Forces and the Police to enable the Human Rights Commission of Sri Lanka (hereinafter referred to as the HRCSL) to exercise and perform its powers, functions and duties and for the purpose of ensuring that fundamental rights of persons arrested or detained are respected and such persons are treated humanely, do hereby direct, the Heads of the Armed Forces and of the Police as follows:

1. Every member of the Armed Forces and of the Police Department shall assist and facilitate the HRCSL and any person authorized by the HRCSL in the exercise of its powers, duties and functions and also ensure that the fundamental rights of persons arrested or detained are respected.
2. No person shall be arrested or detained under any Emergency Regulations or the Prevention of Terrorism (PTA) Act No. 48 of 1979 except in accordance with the law and proper procedure and by a person who is authorised by law to make such arrest or order such detention.
3. At or about the time of the arrest or if it is not possible in the circumstances, immediately thereafter as circumstances permit:
 - (i) the person making the arrest or detention shall identify himself to the person arrested or any relative or friend of such person upon inquiry being made, by name and rank and show identification;
 - (ii) every person arrested or detained shall be informed of the reasons for the arrest;



- (iii) the person making the arrest or detention shall issue, to the spouse, father, mother or any other close relation as the case may be a document in such form as specified by the Secretary of the Minister in charge of the subject of Defence in the case of Armed Forces and the Secretary of the Minister in charge of the subject of Law and Order in the case of the Police Department, acknowledging the fact of arrest and providing reasons for the arrest. The Secretaries of Defence and Law and Order are requested to consult and develop a uniform document for this purpose. The name and rank of the arresting officer, the time and date of arrest and the place at which the person will be detained shall also be specified. It shall be the duty of the holder of such document to return the same to, or produce the same before the appropriate authority when the person so arrested or detained is released from custody. This document shall be issued in the language that the arrested person ordinarily uses;

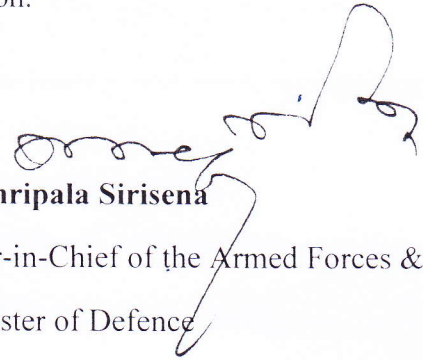
Provided that, where any person is taken into custody and if it is not possible to issue a document as set out above, it shall be the duty of the arresting officer, if such officer is a Police officer, to make an entry in the Information Book giving reasons as to why it is not possible to so issue a document, and it shall be the duty of the arresting officer, if such officer is a member of the Armed Forces to report the reasons why it is not possible to issue a document to the officer in charge of the police station whose duty it shall be to make an entry of such fact along with the reasons therefor in the Information Book;

- (iv) the person arrested shall be afforded reasonable means of communicating with a family member, relative or friend to enable his whereabouts being known if a person is arrested when not in the presence of family or relatives;
- (v) The arrested persons shall be transported in vehicles clearly identified as official;
- (vi) If any property such as vehicles, i.e. property other than on the person is seized during the arrest, the family or relatives of the arrested persons should be given a document in such form as specified by the Secretary of the Minister in charge of the subject of Defence in the case of the Armed Forces and the Secretary of the Minister in charge of Law and Order in the case of the Police Department, acknowledging such seizure at the time of seizure or 24 hours thereafter. The document should contain a description of the property that enables it to be clearly identifiable;

- (vii) Searches of the person arrested must be done with due respect to the dignity of the person, without force or aggression and with care for the person's right to privacy;
- (viii) When a child under 12 years or a woman is sought to be arrested or detained, a person of their choice should be allowed to accompany such child or woman to the place of questioning. The arrest of women and girls between sunset and sunrise should be avoided. As far as possible, any such child or woman so sought to be arrested or detained, should be placed in the custody of a Women's Unit of the Armed Forces/Police Department or in the custody of another woman military officer/Police officer;
- (ix) Searches of women and girls should only be made by other women with strict regard to their dignity and bodily integrity. Any search that requires the woman or girl to undress should be conducted out of sight of men and other persons.
- (x) Arresting officers should ensure that pregnant women are not subject to harassment. If a pregnant woman is searched, arrested or detained the Armed Forces/Police Department should take her special needs into account and ensure her health and wellbeing is not jeopardised in any way.
- (xi) Female detainees must be held separately from male detainees and as far as possible must not share bathing or toilet facilities.
- (xii) If the arrested person is the sole carer of children, the children should not be left alone after the arrest. They should be left in the care of an appropriate adult. Immediately following arrest the arrested person should be allowed and supported to make childcare arrangements for children in their care.
- (xiii) A statement of a person arrested or detained should be recorded in the language of that person's choice who should, thereafter, be asked to sign the statement. A person who desires to make a statement in his or her own handwriting should be permitted to do so.
- (xiv) As a rule, use of force is prohibited while effecting arrest. In case of forcible resistance to arrest, minimum force to overcome such resistance may be used. However, care must be taken to ensure that injuries to the persons being arrested are avoided. If such injuries occur immediate medical attention should be provided;

- (xv) Prompt medical attention should be provided to the arrested person if a request for such assistance is made or if the arrested person is in a condition in which s/he is unable to make such a request but is in need of medical help. This must also be recorded contemporaneously in a register along with any major or minor visible injuries on his/her body;
- (xvi) The arrested person should be produced before a Judicial Medical Officer (JMO) as soon as possible, and not later than 48 hours after arrest;
- (xvii) Arrested person should be held only at gazette authorised detention centres;
- (xviii) The arrested person shall be permitted to meet his/her lawyer during interrogation. The rights afforded to all Attorneys at Law to represent their clients at police stations as per guidelines issued by the Inspector General of Police shall be applicable to Attorney-at-Law representing clients who are arrested or detained under the PTA.
- (xix) Adequate provision for basic amenities should be made available in all places of detention which would not make detention itself a torture and humiliation. Detention should be in keeping with the established fundamental rights enshrined by Article 13(5) of the Constitution that an accused person is presumed to be innocent till he is proved to be guilty.
- (xx) All acts of human rights violations against any person in (including any act of violence such as sexual harassment, sexual abuse, rape) will be promptly brought to justice, and if convicted will be dealt with in accordance with the law.
- (xxi) Any detainee who alleges s/he has been raped or sexually abused must be given an immediate medical examination, and if a female be preferably by a female JMO, or if a female JMO is not available then at least in the presence of female personnel.
- (xxii) The dignity of the person arrested should be protected at all times;
- (xxiii) Torture, cruel and inhuman and degrading treatment or punishment is an offence and prohibited at all times;

4. The members of the HRCSL or any person authorised by it should be permitted to access the person arrested or detained under the Prevention of Terrorism Act No. 48 of 1979 or under a Regulations made under the Public Security Ordinance (Chapter 40), and should be permitted to enter at any time any place of detention, police station or any other place in which such person is detained in custody or confined.
5. Every officer who make an arrest or order of detention as the case may be, shall forthwith, and in any case not later than forty-eight hours (48 hours) from the time of such arrest or detention, inform the HRCSL or any person specially authorised by the HRCSL, of such arrest or detention as the case may be, and the place at which the person so arrested or detained is being held in custody or detention.



Maithripala Sirisena

President, Commander-in-Chief of the Armed Forces &
Minister of Defence