



Sri Lanka

Foreign Nationals and the Death Penalty

Death Penalty Overview

Amnesty International and the United Nations High Commission for Human Rights, estimate there were 1,284 people on death row in Sri Lanka in December 2021.

Sri Lanka has the mandatory death penalty for murder. Other capital offences include treason, armed robbery, and certain crimes committed with the use of a gun (including rape, human trafficking, assault, kidnapping). However, all the cases involving foreign nationals were drug offences.

Sri Lanka has not carried out executions since 1976. In 2019, citing the Filipino President Duterte's 'war on drugs' policy as an example, former President Maithripala Sirisena announced his intention to resume executions for drug trafficking. The government hired two hangmen through public advertisement and restored the gallows in Colombo's Welikada prison. However, in a petition challenging this move, the Supreme Court imposed a stay on the President's authorisation to resume executions until the court delivered its

judgment on the matter. The new government that came to power after Sirisena has shown no further intention to resume executions.

The Human Rights Commission of Sri Lanka's (HRCSL) national study on prisons described the living conditions of death row prisoners as 'inhumane'. The report states that death row prisoners are kept in their cells for 23 hours a day and are not able to access rehabilitation programmes like other prisoners. An overwhelming majority of prisoners are from marginalised groups, lack adequate legal representation, and have limited contact with family members. In July 2021, 150 death row prisoners in Welikada prison held a hunger strike against their living conditions and demanded pardons.

In October 2021, the Parliament passed a Bill to prohibit the death penalty for persons who were under the age of 18 at the time of the offence. However, the government has not declared that this will apply retrospectively, meaning that currently there are still juveniles who remain on death row.



Death row prisoners on hunger strike at Welikada prison, Colombo, June 2021

Foreign Nationals

While accurate data was only found on six foreign nationals in Sri Lanka, there are likely to be many more. All of the foreign national cases found were from other South Asian countries: four were from Nepal, and one each from India and Pakistan.

All of the foreign national cases were men, and all were sentenced to death for trafficking drugs to Sri Lanka.

Harm Reduction International estimates that more than 60 people on death row (5% of the total) are convicted of drug offences.

Both the United Nations Office on Drugs and Crime (2010), and the International Narcotics Control Board (2014) have urged states to abolish the death penalty for drug offences. However, Sri Lanka not only continues to retain the death penalty for drug offences, but actively sentences people to death for such offences.

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For more research see:

foreign-nationals.uwazi.io or tinyurl.com/mappingdeathrow