

Resolution 74/194 on “Measures to eliminate international terrorism”
Adopted on 18 December 2019 at the 74th session of the United National General Assembly

Report of the Government of Sri Lanka

This report is submitted pursuant to the request of the Office of Legal Affairs of the United Nations (UN) with respect to UNGA Resolution 74/194 of 18 December 2019, by which member States were requested to provide data on agreements and other aspects undertaken to prevent and fight the threat to international peace and security as a result of terrorist activities.

Introduction

1. As a country that has dealt with terrorism for nearly three decades, consecutive Sri Lankan governments have strived to create the necessary legal framework to empower the law enforcement authorities and the legal system to address acts of terrorism, and secure the safety and security of all persons living within Sri Lanka’s borders while enhancing international cooperation in combatting the global phenomenon of terrorism.
2. This report is presented under the following three (3) headings:

Section 1: Existing multilateral, regional and bilateral agreements relating to international Terrorism entered into by Sri Lanka

Section 2: Information on incidents caused by international terrorism in the recent past

Section 3: Criminal prosecutions and sentencing

SECTION 1:

3. This section sets out the legal framework created by international, regional and bilateral legal instruments to which Sri Lanka is a party and the domestic legislation that has been promulgated in pursuance to these instruments to enable local authorities to combat terrorist activities within the country and support the combatting of terrorism globally.
4. The counter-terrorism legislation and policies of Sri Lanka pertain to proscribing terrorist entities, criminalizing terrorist activities, countering terrorist financing, border control and enhancing international, regional and bilateral cooperation.
5. Specific laws to give effect to international covenants on terrorism are buttressed by general laws to combat terrorism. Particularly the provisions of the Prevention of Terrorism Act (PTA) (1979) and the Public Security Ordinance (1947) serve as the basis for action against terrorist activities at national level.

International Instruments to which Sri Lanka is a State Party:

6. *Acts against certain means of transport or specific facilities (Aircrafts & Airports):*

- 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft (30 May 1978)
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (30 May 1978)
- 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (30 May 1978)
- 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (11 February 1997)

Sri Lanka has given effect to these Conventions through the *Offences Against Aircraft Act*, No. 24 of 1982 and the *Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation*, No. 31 of 1996.

7. *Acts against certain means of transport or specific facilities (Maritime Navigation):*

- 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (4 September 2000)

The *Suppression of Unlawful Acts Against the Safety of Maritime Navigation Act*, No. 42 of 2000 gives effect to the Convention in domestic law.

8. *Acts against specific categories of persons:*

- 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

The Convention is given effect domestically through the *Prevention and Suppression of Crimes Against Internationally Protected Persons Act*, No. 15 of 1999.

9. *Specific Acts – Hostage Taking*

- 1979 International Convention against the Taking of Hostages (8 September 2000)

The *Prevention of Hostage Taking Act*, No. 41 of 2000 gives effect to the Convention in domestic law.

10. *Specific Acts – Terrorist Bombings*

- 1997 International Convention for the Suppression of Terrorist Bombings (23 March 1999)

Sri Lanka has given effect to the Convention by the *Suppression of Terrorist Bombings Act*, No. 11 of 1999. The provisions of Sri Lanka's Act relating to Obligation to Conduct Inquiry, Report Findings and Advise of Intent to Exercise Jurisdiction; Extradition; and Right of Alleged Offender to Communicate and to Fair Treatment have been cited in the *UN Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*.

11. Sri Lanka is also a party to the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection (11 October 2000).

12. *Specific Acts – Act of Nuclear Terrorism*

Sri Lanka has ratified the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (27 September 2007).

13. *Financing for Terrorism*

The 1999 International Convention for the Suppression of the Financing of Terrorism was given effect to by enabling legislation in the form of the *Suppression of Terrorist Financing Act*, No 25 of 2005. This Act has been amended in 2011 and 2013.

During the three decade-long conflict, Sri Lanka has been in the forefront of emphasizing the need for recognition of the dangers of financing of terrorism. Following the end of the conflict in 2009, Sri Lanka continues to work with its international partners to eliminate all forms of financing for terrorism, whether direct or indirect. In this regard, Sri Lanka has taken several legislative measures.

The Financial Intelligence Unit (FIU) of Sri Lanka was established in March 2006 as an autonomous body under the Ministry of Finance and Planning. The FIU was reorganized in February 2007 as an independent institution within the Central Bank's framework and administrative structure.

The Government has enacted the *Prevention of Money Laundering Act* No. 5 of 2006 and the *Financial Transactions Reporting Act*, No. 6 of 2006 in order to strengthen the financial institutions to monitor the flow of funds for terrorist purposes. Sri Lanka belongs to the Asia Pacific Group on Money Laundering, a Financial Action Task Force (FATF) regional body.

A Targeted Financial Sanctions (TFS) Committee has been appointed to implement Targeted Financial Sanctions on Terrorist Financing and Proliferation Financing of Weapons of Mass Destruction (WMD).

The European Commission de-listed Sri Lanka from its list of High Risk Third Countries with Anti-Money Laundering and Countering the Financing of Terrorism Strategic Deficiencies published on May 07, 2020.

The following Regulations have also been made under the *United Nations Act*, No. 45 of 1968 giving effect to United Nations Security Council Resolutions (UNSCR) on financing for terrorism:

- United Nations Regulations, No. 1 of 2012 to give effect to UNSCR 1373 (and subsequent Resolutions) published in Extraordinary Gazette No. 1892/37 dated 11 December 2012
- United Nations Regulations, No 2 of 2012 to give effect to UNSCR 1267, 1988, 1989, 2253 (and subsequent Resolutions) published in Extraordinary Gazette No. 1892/37 dated 11 December 2014 and Extraordinary Gazette No. 1991/52 dated 4 November 2016
- United Nations Regulations of 2017 to give to UNSCR 1718 (and subsequent Resolutions)
- United Nations Regulations No. 1 of 2018 to give effect to UNSCR 2231 (and subsequent Resolutions) published in Extraordinary Gazette No. 2065/11 dated 21 August 2018

14. *United Nations Counter-Terrorism Committee Executive Directorate (CTED)*

Sri Lanka has engaged with the United Nations Counter-Terrorism Committee Executive Directorate (CTED) on counter terrorism related matters. The Executive Director of UNCTED visited Sri Lanka in 2019, to conduct bilateral consultations with high level representative of Government, following the Easter Sunday attacks.

15. *Border Control*

A Cabinet-appointed National Border Management Committee (NMBC) has been mandated to set priorities and goals on all aspect of border management in Sr Lanka. The Sri Lanka Integrated Border Management (IBM) strategy approved by the Cabinet of Ministers in May 2018 introduced a three-tier border control system, namely, control in pre-arrival, at the Port of Entry and Post Arrival. The establishment of the proposed Border Risk Assessment Centre (BRAC) to set up an integrated system for border management is almost complete.

The Department of Immigration & Emigration (DIE) is in the process of setting up necessary measures for online real time connectivity between the INTERPOL system and the Immigration visa approval system to monitor the travel of high-risk passengers. Domestically, DIE is also taking steps towards linking Sri Lanka Police Stations with the Immigration visa systems enabling police officers island wide to assist to identify and monitor risky entrants.

Regional instruments:

16. Sri Lanka also works through the regional bodies of the South Asian Association for Regional Cooperation (SAARC) to counter terrorism.

In this regard, Sri Lanka was instrumental in drafting and negotiating the SAARC Regional Convention on Suppression of Terrorism. To give effect to the same domestically, Sri Lanka has adopted the *SAARC Regional Convention on the Suppression of Terrorism Act, No 70 of 1988*. The country has also established the South Asian Association for Regional Co-operation (SAARC) Terrorist Offences Monitoring Desk.

SAARC Convention on Mutual Assistance in Criminal Matters was also adopted by the organization in 2008, in Colombo, Sri Lanka.

17. Bay of Bengal Initiative for Multisectoral Technical and Economic Cooperation (BIMSTEC) Convention in Combating international Terrorism, Transnational Organized Crime and Illicit Trafficking was ratified by Sri Lanka in 2015.

18. Sri Lanka is a dialogue partner of the inter-governmental Shanghai Cooperation Organization (SCO).

Bilateral instruments:

19. Beyond international and regional instruments to eliminate terrorism, Sri Lanka has also engaged bilaterally in order to counter terrorist activities. A compilation of the agreements signed at bilateral level which address counter-terrorism cooperation is as follows:

International Terrorism

- Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of the Republic of India on combating International Terrorism and Illicit Drug Trafficking (2013)
- MoU between the Government of Democratic Socialist Republic of Sri Lanka and the Government of the Republic of Indonesia on Combating International Terrorism (2007)
- Agreement on Combating International Terrorism and Cooperation against Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and their Chemical Precursors between the Government of the Democratic Republic of Sri Lanka and the Government of the Islamic Republic of Pakistan (2013)
- Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of the Republic of Croatia on Cooperation in Combating International Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime (2001)

Mutual Legal Assistance

- Treaty between the Government of the Kingdom of Thailand and the Government of the Democratic Socialist Republic of Sri Lanka on Mutual Legal Assistance in Criminal Matters (2004)
- Agreement between the Government of the Democratic Socialist Republic of Sri Lanka and the Government of the Islamic Republic of Pakistan on Mutual Legal Assistance in Criminal Matters (2005)
- Treaty between the Republic of India and the Democratic Socialist Republic of Sri Lanka on Mutual Legal Assistance in Criminal Matters (2010)
- Treaty between Democratic Socialist Republic of Sri Lanka and the Belarus Republic on Mutual Legal Assistance in Criminal Matters (2013)

SECTION 2:

20. This section contains information on incidents of terrorism in Sri Lanka in the recent past.
21. *Coordinated suicide attacks carried out on 21 April 2019 (Easter Attacks)*

Sri Lanka experienced a coordinated suicide attack on 21 April 2019, commonly referred to as the *Easter Sunday Attack*, carried out by a group of extremists targeting three churches, three luxury hotels and one lodging place. Later, it was revealed that members of the National Thowheed Jammath (NTJ), who were led by Mohamed Cassim Mohamed Saharan, had planned and executed this coordinated suicide bombing. Due to the suicide attack 222 local civilians were killed and 453 local civilians were wounded. 42 foreigners from 14 different countries were killed while 34 foreigners were wounded.

When the Police searched a suspect's house in Colombo later in the day another explosion took place killing three Police officers and four others at the premises including the suicide bomber. Two days after the bombings, on 23 April 2019, a video of the eight suicide bombers pledging allegiance to Abu Bakr al Baghdadi the leader of the Islamic State (IS) (at the time) was released via Amaq News Agency, the official media of the Islamic State and claiming responsibility for the attacks. On 26 April 2019, when Security Forces attempted to carry out a search operation on a hideout of the network in Saindamarthu in the Eastern Province, the close relatives of Mohamed Cassim Mohamed Saharan, the leader of the NTJ, including his two brothers and father blew themselves up killing 17 individuals.

In this regard, the authorities have taken action under the Prevention of Terrorism Act (1979) and the Regulations under the United Nations Act (2012) to proscribe the three identified organizations directly linked to the attacks.

22. *Revamping the LTTE*

Although the Liberation Tigers of Tamil Eelam (LTTE) was militarily defeated in 2009 the terrorist organization's overseas networks including trained cadres who have committed atrocities and its financial links remain intact. A series of discoveries of weapons and arms caches and assassination attempts against Tamil political leaders indicate attempts to revive the organisation's terrorist activities. The LTTE remains proscribed as a terrorist entity in over 30 countries.

SECTION 3:

23. This section will set out the criminal prosecutions and sentencing of persons related to terrorist activities in Sri Lanka.
24. Individuals and organisations involved in terrorist activities within Sri Lanka are prosecuted under the provisions of domestic law including the Prevention of Terrorism Act (PTA) (1979) and the Public Security Ordinance (1947).
25. Sri Lanka has assisted foreign authorities in the prosecution of individuals for offences relation to terrorist financing and terrorist activities.

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