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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
HUMAN RIGHTS COMMISSION OF SRI LANKA

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27<sup>th</sup> March 2020

H.E. Gotabaya Rajapaksa  
President of the Republic of Sri Lanka  
Chairman, Presidential TF for Prevention of Covid-19  
Presidential Secretariat  
Colombo 1

Your Excellency,

**Urgent Action Requested to Protect the Prison Population from Covid-19 Epidemic**

The Human Rights Commission of Sri Lanka writes to bring to your Excellency's attention the necessity to -take urgent action to prevent the possible spread of the Covid-19 virus within the prison system in Sri Lanka. Protecting the rights of those deprived of liberty is a subject that is of great importance in discharging the mandate of the Commission under its parent statute, Act 21 of 1996.

As prisons are the most densely populated spaces in the country, the possibility of the virus spreading is very high putting at risk the health of prisoners and officials, and indeed, eventually the larger community. Prisoners are rendered much more vulnerable than fellow citizens due to deprivation of liberty. The WHO has issued special guidelines on preparedness, prevention and control of Covid-19 virus in prisons and other places of detention<sup>1</sup> (dated 15 March, 2020) which are very instructive in this regard.

Our Commission has already written to:

1. His Lordship the Chief Justice requesting that hearings of bail applications be given priority and be expedited and also that judicial orders for remanding suspects be accompanied by an order for medical screening of them by public health authorities before incarceration in order to prevent possible spread of the virus;

<sup>1</sup> [http://www.euro.who.int/\\_data/assets/pdf\\_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf](http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf)

2. Hon. Attorney-General and the Acting IGP recommending that the granting of bail not be objected to except in the most extreme of situations;
3. Commissioner-General of Prisons recommending action in consultation with relevant authorities for the release of remand prisoners who are still in detention due to inability to post bail, and also to release under the licensing system (permitted under the Prevention of Crimes Ordinance, No. 2 of 1926) those prisoners convicted of minor offences, those who are seriously/terminally ill or those who are over 70 years of age.

The WHO guidelines recommend that non-custodial measures be used at all stages of the criminal justice process (including pretrial, trial, sentencing and even post-sentencing stages) at present in view of the epidemic. They recommend special consideration be given to those prisoners with low-risk profiles and caring responsibilities (e.g., pregnant women and those with young children).

We commend action already taken by Your Excellency to find ways and means of providing legal assistance to those convicted of minor offences and remand prisoners who are unable to fulfill bail conditions as recently reported by the media. However, in view of the contingencies of the epidemic, we urge Your Excellency to take a further step by granting a general amnesty as permitted under Article 34 of the Constitution of Sri Lanka to prisoners who are:

- i) Minor offenders;
- ii) Those with caring responsibilities;
- iii) Seriously or terminally ill;
- iv) Over 70 years of age; or
- v) Disabled

The Commission recognizes that the release of above categories of prisoners will not jeopardize the goals of the correctional system.

We trust Your Excellency will, as Head of State and Chairman of the Task Force to Prevent Covid-19, give due consideration to and take necessary action regarding these recommendations which are made in the public interest.

Thank you



Dr. N.D. Udagama

Chairperson/ Human Rights Commission of Sri Lanka

