Mr. Saliya Pieris  
Commissioner  
Human Rights Commission  
Colombo 8  

Dear Saliya,

Re: No date cases and illegal remand – Report in page 12 Sunday Times 3rd July 2016

→ Maharaja (140), Bogambara (100), and Magazine (119) are reporting inmates with no dates cases.

→ RemANDING beyond period permitted by law is another cause for concern.

Examples cited are:

Case No:168 – Kaduwela MC - The Information Book (IB) forwarded to AG’s Dept and accused still in remand for past 10 years, since 2006 – pending AG’s directions; Case No:2924 – Walasmulla MC – accused remanded since 1994 and no clue about the whereabouts of the file and police have not forwarded the IB to the AG; Case No. 28158 - Udugama MC – suspect arrested in 2006 for murder and still in remand; Case No,98305 – Mahiyangana MC – arrested in 2008 and still in remand.

Related are: Sections 14 & 16 of the Code of Criminal Procedure Act (CCPA) states that a magistrate can only impose a maximum sentence of two years imprisonment for a charge and total four years maximum for several charges and an additional two years under the Prevention of Crimes Ordinance (PCO). Any imprisonment sentence exceeding four years is beyond the jurisdiction of a magistrate, and has no validity in law. Illegal jail sentences are issued by Magistrates covering up to 30 years. As required by law does the Magistrates visit prisons periodically. Mis-interpretation of sentences ordered by Judges. As per Prisons Commissioner General, when a prisoner has convictions on multiple counts the file is sent to the magistrate for advice and if the magistrate does not reply the sentences are calculated on consecutive terms, they do not have authority to determine what is correct and he also mentioned that under 300 of the CCPA only sentences given on the same day could be considered as concurrent sentences. No uniformity in issuing orders - Two different orders are given – one to remand and other to grant bail.

We would be obliged if urgent measures could be contemplated in respect of matters raised.

Thanking You

Yours sincerely

Jeewan Thigaaraja
CHAIRMAN