

Abstract

This is a study which examines the problem of Arbitrary Arrest and Torture and investigates why the investigating officers are more inclined towards arbitrarily arresting and torturing persons during crime investigations.

The United Nations has adopted a number of human rights instruments, ranging from the Universal Declaration of Human Rights to the International Covenant on Civil and Political Rights and Economic, Social and Cultural Rights. However, the UN also adopted the Covenant against Torture to address the more specific issue of preventing torture of persons. Sri Lanka is a party to this Convention, and in order to fulfil its treaty obligations, it passed the "Convention Against Torture and other Cruel Inhuman and Degrading Punishment Act No. 22 of 1994, which gives effect to the Convention against Torture. Recently, Sri Lanka acceded to the Optional Protocol of the Convention against Torture, though implementing legislation has not yet been adopted.

Even though Sri Lanka is a party to important Conventions, the prevention of arbitrary arrests and torture has been difficult within the Sri Lankan jurisdiction. This research study hopes to critically evaluate the existing legal framework and make practical recommendations towards improving the legal framework in a way that further prevents such acts from taking place. It is hoped that this study will help Sri Lanka's law makers, drafters of legislation and human right activists to identify the problems of the legal framework relating to arbitrary arrest and torture in Sri Lanka, as well as to reform the legal framework.