

Abstract

The death penalty has a long history in Sri Lanka. Even though death sentence is regularly imposed by Sri Lankan courts, there have been no executions since 1976. Accordingly, the prisoners who were given the death sentence are kept in custody for an indefinite period of time without execution of their sentence. Therefore, several convicted prisoners in death row are demanding the authorities to either execute their sentence or release them, as they and their families have to suffer due to the prolonged uncertainty of their sentence. Therefore, to elaborate on the findings for this research problem; here, the researcher evaluate the legality and the existing applicability of capital punishment in Sri Lanka, and identified the domestic human rights safeguards with regard to guarantee of the right to life in Sri Lanka. In this regard, the attitude of the Sri Lankan courts in relation to ensure the right to life as a fundamental right in Sri Lanka also examined. Moreover, the views and opinions expressed by some scholars and various individuals from different social strata in relation to death penalty and right to life in Sri Lanka also analyzed and incorporated in this research. Furthermore, the researcher identified and discussed the International Human Rights safeguards in relation to abolishing the capital punishment and enforcing the right to life as a human right. Moreover, the South African and Indian jurisprudential perspectives with regard to abolishing the capital punishment and recognizing the right to life as a human right also examined.

In conclusion the researcher recommend the abolition of Capital Punishment, the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, the imposition of life imprisonment or imprisonment for a specific period of time instead of death penalty and the recognition and the assurance of the right to life as a fundamental right in Sri Lanka.