

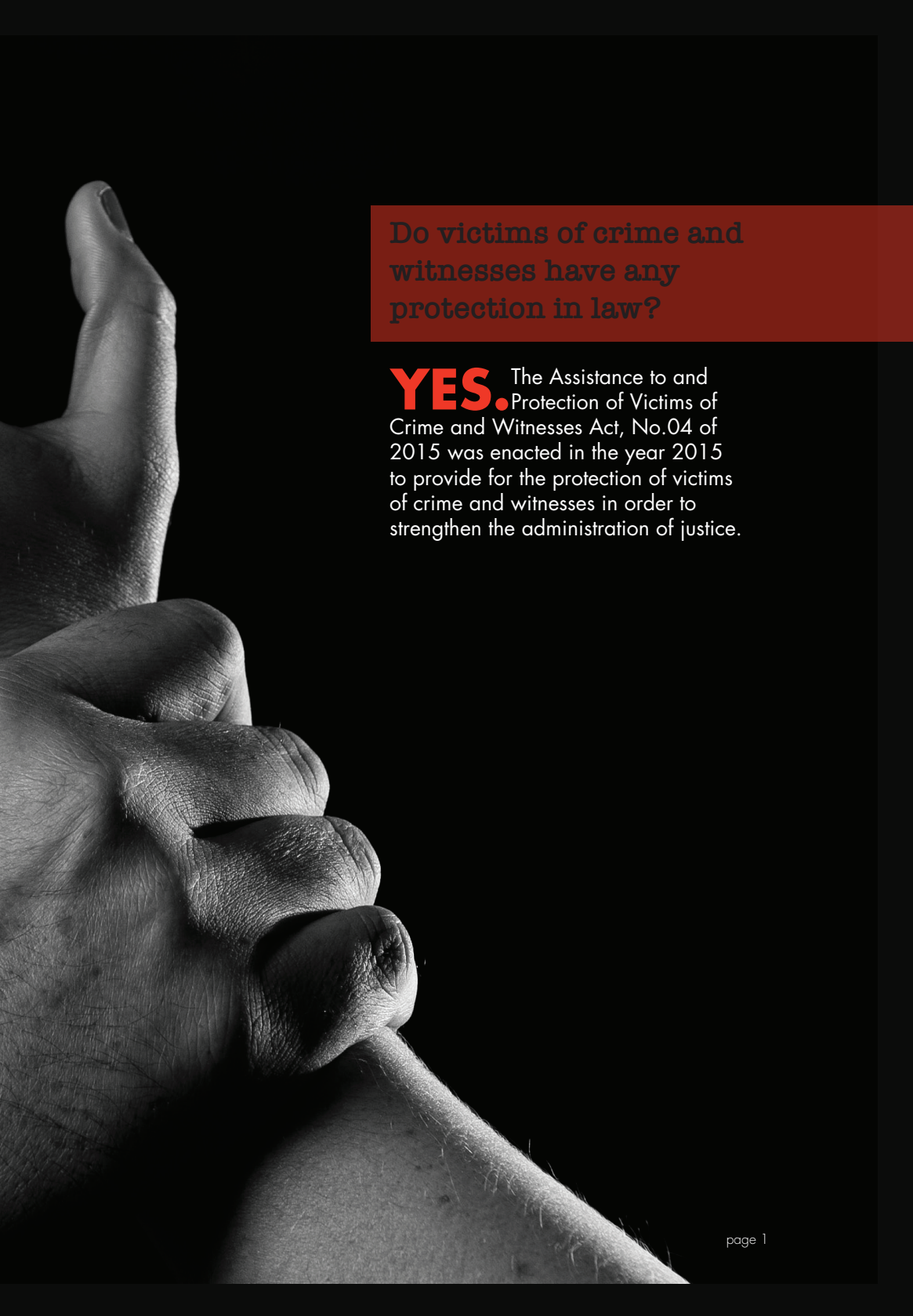
**VICTIM &**

**WITNESS**

**PROTECTION**







Do victims of crime and witnesses have any protection in law?

**YES.** The Assistance to and Protection of Victims of Crime and Witnesses Act, No.04 of 2015 was enacted in the year 2015 to provide for the protection of victims of crime and witnesses in order to strengthen the administration of justice.



**ARTICLE 13 OF THE CONSTITUTION** states in subsections (1) and (2) that:

(1) A person can be arrested only according to a procedure established by law and any arrested person should be informed of the reason for his or her arrest.

(2) Every person who is held in custody, detained or any other way deprived of their personal liberty should be brought before the judge (the nearest competent court) according to procedure established by law and should not be further held in custody, detained or deprived of personal liberty except in line with the order of such judge according to procedure established by law.

## WHO IS A VICTIM?

A victim is anyone (including a child) who suffers any:

- Injury
- Harm
- Impairment or disability (physical or mental)
- Emotional
- Economic or other loss



as a result of any act or omission due to an alleged:

- Offence under any law; or
- Infringement of a fundamental right under Articles 13(1) or (2) of the Constitution.

### A victim also includes:

A person who suffers harm due to intervening to:

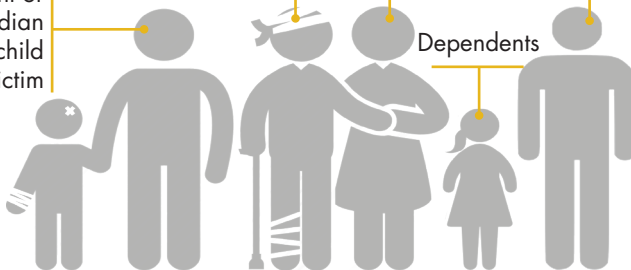
- assist another victim
- prevent the commission of an offence

Parent or guardian of a child victim

Family member or next of kin

Any person of significant importance to the victim

Dependents



## WHAT RIGHTS DO VICTIMS HAVE?



to be treated with equality, fairness and with respect



to receive a quick remedy



to be informed of legal remedies available, progress of the investigation, medical, social services and any other assistance



to present a complaint and have that recorded by any police officer, be represented by an Attorney-at-Law etc.



to make submissions on how the offence committed has impacted the victim's life:

- before the sentence is decided;
- during an appeal
- if the person convicted is considered for a grant of pardon



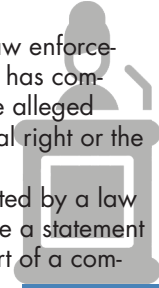
# Witness

**A WITNESS SHOULD BE** protected from any real or possible harm, threat, intimidation, reprisal or retaliation due to providing information, lodging a complaint, making a statement to any law enforcement authority, providing testimony or instituting legal proceedings.

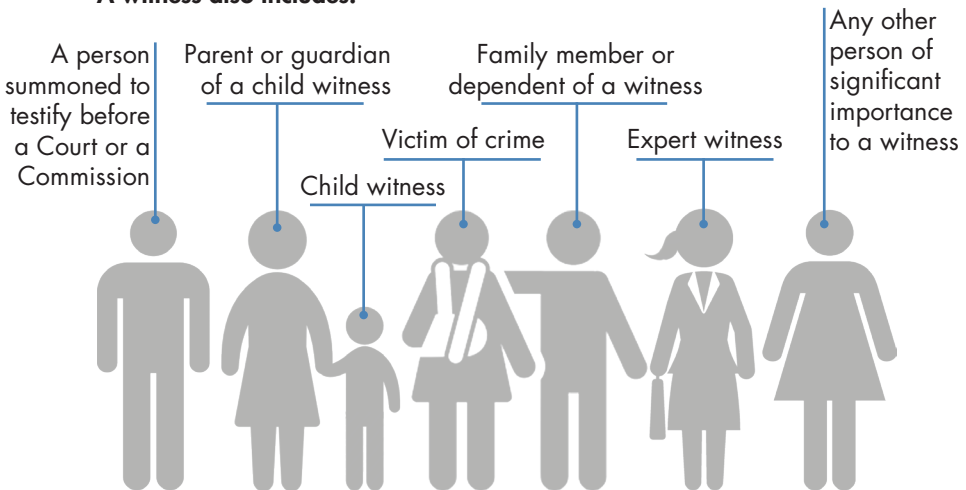
## WHO IS A WITNESS?

A witness is someone who has:

- Provided information or lodged a complaint with any law enforcement officer based on which an investigation or inquiry has commenced or is likely to commence, in connection with the alleged commission of an offence, infringement of a fundamental right or the violation of a human right
- In the course of such an investigation or inquiry conducted by a law enforcement authority has provided information or made a statement
- Provided an affidavit or submitted a statement in support of a complaint made or any legal action instituted by a victim
- Provided information or any communication to a Commission
- Reasonable grounds to believe that he or she will be summoned, or has been summoned by a Court or a Commission to make a statement, testify, or produce any document, report or object in any judicial or quasi-judicial proceedings
- Being a public officer, has investigated into the alleged commission of an offence, an alleged infringement of a fundamental right or the violation of a human right



### A witness also includes:



## WHAT RIGHTS DO WITNESSES HAVE?



A witness has a right to fair and respectful treatment from, and should not be harassed or intimidated, coerced or violated by, investigators, judicial officers and quasi-judicial officers.



**THE NATIONAL AUTHORITY FOR THE PROTECTION OF VICTIMS OF CRIME AND WITNESSES** (known as the 'Authority') was set up to protect the victims of crime and witnesses.

THE Board of Management of the Authority includes:

- 5 members appointed by the President who are academically or professionally qualified and have experience in professions or fields such as:
  - criminology
  - criminal justice system
  - promotion and protection of human rights, or
  - medicine
- 7 other ex-officio members which include:
  - Secretaries to the Ministers in charge of Justice, the Police Department, Women Affairs, Children
  - member of the Human Rights Commission of Sri Lanka
  - nominee of the Attorney-General, and
  - nominee of the Inspector General of Police

#### **WHAT IS THE 'DIVISION'?**

- The Victims of Crime and Witnesses Assistance and Protection Division (known as the 'Division') comes under the direction and guidance of the Authority
- A Senior Superintendent of Police, will be in charge of the Division



## TO WHOM SHOULD THE VICTIM/WITNESS MAKE THE REQUEST FOR PROTECTION?

- The National Authority for the Protection of Victims of Crime and Witnesses
- The Victims of Crime and Witnesses Assistance and Protection Division
- Courts of law
- Officer-in-Charge of the Police in the area
- Commissions such as:
  - Human Rights Commission of Sri Lanka
  - Commission to Investigate Allegations of Bribery and Corruption
  - Investigations Commissions or a Special President's Commission of Inquiry
  - Any other Commission appointed under the Commission of Inquiry Act

## HOW CAN A VICTIM BE ADMITTED INTO THE 'VICTIMS OF CRIME AND WITNESSES ASSISTANCE AND PROTECTION PROGRAMME'?

Victims can be admitted on:



a request made by a victim of crime or a witness



a recommendation made by the Authority



a report submitted by any law enforcement authority or a public officer



a notification received from a court or a Commission

- Protection and assistance will be provided after the conduct of a threat assessment and with the consent of the victim or witness.
- Before the implementation of the Assistance and Protection Programme, the victim or witness may have to enter into a memorandum of understanding with the Division.



### DID YOU KNOW?

- Victims can claim money from the Authority, for the expenses incurred due to the offence committed and the victims' participation in any judicial proceedings.
- Where necessary resources are available with the State, victims can claim and obtain from the State any required medical treatment, for physical or mental harm.

## **CAN A VICTIM/WITNESS OBTAIN PROTECTION IN ADVANCE?**

Yes. A victim of crime or a witness who has reasonable grounds to believe that he or she might face harm due to his or her:

- participation in any investigation or inquiry into an offence or infringement of a fundamental right; or
  - intended participation in any judicial process
- can ask for protection from such real or anticipatory harm.

## **WHAT ARE THE KINDS OF PROTECTION YOU CAN REQUEST?**

Based on available resources, the need for protection and the relevant laws, protection can include:

- security to the person and property
- temporary accommodation
- permanent re-location with the consent of the victim/witness
- temporary or permanent employment
- re-identification
- any other measure

## **WHO CAN STOP PROTECTION?**



The Authority



The Senior Superintendent of  
Police in charge of the Division




Any Commission

## **ON WHAT GROUNDS CAN PROTECTION BE STOPPED?**

- where the need for protection no longer exists;
- if the victim/witness—
  - requests that protection be terminated
  - refuses to receive such protection
  - abuses the protection
  - commits a breach of peace or an offence that should be tried at the High Court
  - acts contrary to the memorandum of understanding
  - is found to have provided any false information

## **WHAT ARE THE DUTIES OF A VICTIM OR A WITNESS WHO HAS RECEIVED PROTECTION?**

- should not abuse the protection
- should not provide false
- should not act contrary to the terms of the memorandum of understanding

A close-up photograph of a mechanical device, possibly a scale or a measuring instrument. A ruler is visible at the top, showing markings for 4 and 0. Below the ruler, there is a dial with a black pointer and a scale. The word "Compensation" is written in a large, green, stylized font across the middle of the image.

# Compensation

## **WHEN CAN YOU APPLY FOR COMPENSATION FROM THE AUTHORITY?**

- for any physical or mental injury and for any loss or damage to property
- to obtain medical treatment, rehabilitation or counseling services

The Court can also order the person convicted of an offence to pay a compensation to the victim in addition to any punishment imposed by the law.

**USEFUL CONTACTS:**

**National Authority on the Protection of Victims of Crimes and Witnesses**

No. 428/11A, Denzil Kobbekaduwa Mawatha,  
Battaramulla  
Tel: 011 287 9540

**Ministry of Justice**

Superior Courts Complex, Adhikarana Mawatha, Colombo, 12 01000  
Tel: 011 232 3022

**The National Christian Evangelical Alliance of Sri Lanka (NCEASL)**

The NCEASL, as the representative body for Evangelical Christians,  
engages in safeguarding the Religious Freedom of minorities in Sri Lanka.  
Address: P.O. Box 113, Dehiwala, Sri Lanka  
Tel: 011 551 1358  
Email: [legal@nceasl.org](mailto:legal@nceasl.org)  
Web: [www.nceasl.org](http://www.nceasl.org)



© The Religious Liberty Commission of the NCEASL. All rights reserved.