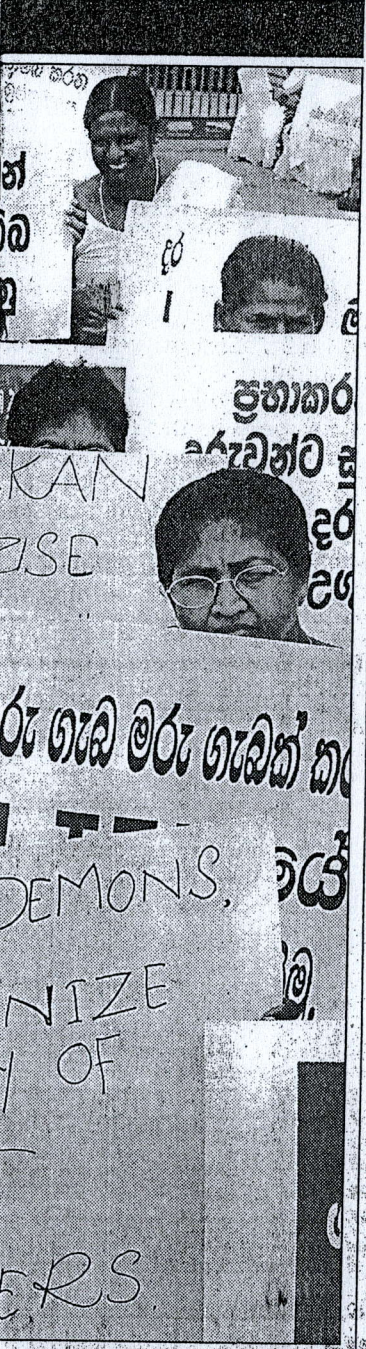


were strongholds recently. Meanwhile, clashes between the LTTE 'Wanni' faction and the 'Karuna' faction in the East, had government security forces, a charge the army denies. The LTTE and the SLMM have often charged arms, claiming they were 'Karuna' fighters, in an attempt to mislead the people.

Pillayan

Daily Mirror
23-05-2006



women members of all political use of pregnant women for suad of the EU Delegation Julian worldwide, have signed this petition. protest at Sir Marcus Fernando

ra India bound

and "Our main aim is to propagate Buddhism in South India, while promoting understanding among Tamils, Muslims and Sinhalese," he said. Fifty people will take part in this 'Dhamma Yathra', including the Mahanayake Theras of the three Chapters. The 'Yathra' com-

Immigration & Emigration Act under review

197 Fundamental Rights violation Petitions before SC

By S.S. Selvanayagam

The Supreme Court yesterday (22) directed the Attorney General to consider the release, on bail, of persons detained in custody for alleged offences under the Immigration and Emigration Act, on the basis of infringement of their Fundamental Right to freedom from arbitrary detention, guaranteed by Article 13(2) of the Constitution.

197 Fundamental Rights violation Petitions were yesterday taken up before a Supreme Court Bench comprising Chief Justice Sarath N. Silva, Justices Nihal Jayasinghe and Shiranee Tilakawardena.

Meanwhile, Detainees, under the Immigration and Emigration Act, have forwarded appeals to President Mahinda Rajapaksa, requesting relief from the Courts and the President has directed them to the Chief Justice, requesting the Chief Justice to grant relief, if possible, to these people, it is learnt.

The Petitioners are now under detention on orders by the Magistrate's Court, on the ba-

sis that they are accused of offences punishable under Section 47(1) of the Immigration and Emigration Act.

They complained to the Supreme Court that under the Act, no Court has jurisdiction to release such persons on bail, resulting in the continued detention in custody, which is an infringement of their Right guaranteed by Article 13(2) of the Constitution.

Article 13(2) guarantees that every person held in custody, detention or otherwise, deprived of personal liberty, shall be brought before the judge of a competent court according to procedure established by law and shall not be further held in custody, detained or deprived of personal liberty, except upon and in terms of the order of such a judge, made in accordance with procedure established by law.

Court observed that, thus, Article 13(2) necessarily contemplates that there must be a procedure established by law, in terms of which judge of a competent court re-

views the continued detention in custody of such a person.

The Court observed that the fact that no court has the jurisdiction to release a suspect under the Immigration and Emigration Act, prima facie results in the person being deprived of a review of his detention by a competent court.

Deputy Solicitor General Yasantha Kodagoda, with State Counsel Harshika de Silva, appearing for the State, submitted that the Amendment to the Act is in the process and that the draft has been finalized. He said that the first batch of persons processed would be forwarded on May 29. He indicated that about 95 percent of the detainees, for these offences, could be released on bail. The matter is listed to be resumed on May 29. Nuwan C. Peiris, Legal Aid Commission, appeared for the Petitioners.

Meanwhile, the Cabinet of Ministers has taken a decision to amend the Immigration and Emigration Act, to enable granting of bail for those arrested for violation of the Act.

Our man in Tehran

