



16th INTERNATIONAL RESEARCH CONFERENCE

ACHIEVING RESILIENCE THROUGH DIGITALIZATION, SUSTAINABILITY AND
SECTORAL TRANSFORMATION

CRIMINAL JUSTICE

ABSTRACTS



General Sir John Kotelawala Defence University
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ORAL PRESENTATIONS

Unravelling Murder Mysteries: Role of Forensic Analysis Techniques in Sri Lanka

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Abstract

This research paper focuses on the importance of forensic analysis techniques in identifying murder criminals within the context of Sri Lanka. When it comes to solving murder cases in Sri Lanka, forensic analysis techniques play a pivotal role. By employing scientific methods and cutting-edge tools, forensic experts help uncover the truth behind heinous crimes. The research study employs a comprehensive literature review and qualitative research approach through unstructured interviews to investigate the role and significance of various forensic analysis techniques, including DNA analysis, fingerprint analysis, ballistics analysis, toxicology and chemical analysis, and trace evidence analysis. The research questions aim to understand how these techniques contribute to the identification of murder criminals and the challenges and opportunities involved in their application in murder investigations in Sri Lanka. The research objectives include examining the utilization of forensic analysis techniques in murder investigations, identifying their specific contributions in linking suspects to crime scenes and strengthening evidence, and exploring the challenges and opportunities associated with their application. The study aims to examine the utilization of these techniques in murder investigations, identify their specific contributions in linking suspects to crime scenes and strengthening evidence, and explore the challenges and opportunities associated with their application. The findings highlight the crucial role played by forensic analysis techniques in connecting suspects to crime scenes and establishing evidentiary links, thereby enhancing the overall investigative process in the Sri Lankan criminal justice system.

Keywords: *Forensic Analysis Techniques, Murder Investigations, Criminal Justice System*

The Utilization of Biological Samples by the Criminal Justice System in Sri Lanka: An Explanatory Study on Forensic Testing

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Abstract

Biological samples are used in forensic medicine to identify individuals, establish the time of death, determine the cause of death, and other reasons regarding the crime. This qualitative research involves both primary and secondary sources and focuses on the criminal investigation procedure based on the utilization of biological samples which involves a variety of techniques, including fingerprinting, Genetics profiling, serology, and other conventional methods. These techniques rely on meticulous examination and comparison to establish connections between the evidence and potential perpetrators. Biological evidence can provide investigators with valuable information about the perpetrators of crimes and help solve cases that would otherwise be cold. In the Sri Lankan context, the usage of biological sample testing is a common practice. However, in the 21st century, technological and scientific advancement has led to the usage of novel methods in the identification of the perpetrator which has made biological testing more flexible and prudent, but this is not fully grasped by the country. Furthermore, the law enforcement authority plays a vital role in the investigation, whereby, they are responsible for securing the scene, preserving evidence, collecting fingerprints, and other physical evidence. Biological samples have the potential to be a valuable resource for a criminal investigation. However, there are a number of challenges that need to be addressed as well. If these challenges are well addressed, biological samples can be more beneficial in identifying perpetrators and aiding in the well-being of the people of Sri Lanka.

Keywords: *Biological Sample, Fingerprints, Genetics profiling, Conventional Methods, Investigation, Evidence, Sri Lanka*

An Analysis of the Existing Legal Regime and Law Enforcement Mechanism of Transnational Organised Crimes in Sri Lanka and National Security Implications

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Abstract

Transnational Organized Crimes (TOC) has become a serious threat to the world recently. Almost every state of the world, big or small has faced this recurrent threat in numerous ways. TOC has started proliferating since about three decades ago due to the advancement in new technologies and the globalization of trade and communication. Drug trafficking leading the way, other organized crimes; human trafficking, human smuggling, arms trafficking and Cyber-crimes have become serious threats to international security together with other transnational crimes. The United Nations brought the International Convention on Transnational Organized Crimes (UNTOC) in 2003. UNTOC expects the international community to cooperate in combatting existing and imminent threats of TOC, in its Art. 1, criminalizing organized criminal groups, whilst incorporating the provisions of the Convention into their domestic legislation. Some states have adopted enabling domestic legislation, which most countries in South Asia have failed to do. Identification of root causes; especially financing agents of organized criminals would help escape future threats to national security. The aim of this paper is to assess the strength of existing domestic criminal legislation of Sri Lanka to combat TOC, and the likely national security threats posed by uncontrolled criminal groups. This paper uses a mixed method of research, primarily using empirical data obtained by a questionnaire distributed among a purposive sample of police officers and military officers who have experience in handling organized crime situations, lawyers engaged in criminal practice and academics in the related field. In-depth interviews were conducted with senior lawyers to ascertain their views on legal and practical barriers to law enforcement and to understand about the litigation process. Existing domestic legal framework of Sri Lanka was compared with international legal norms. Primary data were analyzed by content analysis and descriptive analysis methods. Findings revealed that existing legal framework in Sri Lanka is not satisfactory, and does not cater for the objectives of the global initiatives against TOC. Corruption and lack of resources were identified as other main barriers for effective law enforcement.

Keywords: *Transnational Organized Crimes, International Standards, Domestic Law, National Security, Sri Lanka*

Dilemma on Ensure Criminal Justice Through Rehabilitation: Critically Evaluation the Legitimate Expectations of the Drug Depended Persons Treatment & Rehabilitation Act No 54 of 2007

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Abstract

Drug addiction has become a serious issue in relation to ensuring criminal justice in Sri Lanka. According to the Sri Lanka legal regime drug addicts are sent to compulsory rehabilitation through competent courts by utilizing Treatment & Rehabilitation Act No. 54 of 2007. Drug dependent persons are expected to be sent to rehabilitation centers by competent courts after due process. According to the Rehabilitation Act, there is a voluntary based admission for drug addicts who wish to be rehabilitated, yet most of the rehabilitation centers are not ready to accommodate such admissions in real ground. Even though legal authority has specifically allowed for such admission, the process of admitting drug dependents for rehabilitation on voluntary basis is not properly utilized. Law enforcement agencies and judicial authorities have applied the legislation for their advantage but have failed to cater for justice and legitimate expectations of the Act. In this back ground the objective of this research paper is to critically evaluate the practical implementation and legitimate expectations of the Treatment & Rehabilitation Act No 54 of 2007 in real grounds. This research is carried out primarily as a desk research, utilizing primary and secondary sources such as statutory authorities, case laws, text books and journals. Professional experience as a legal officer in the Bureau of Rehabilitation practicing in criminal courts was utilized in analyzing data.

Keywords: *Dilemma, Criminal Justice, Rehabilitation*

An Appraisal of the Existing Law for Victim Justice in the Administration of Criminal Justice in Sri Lanka

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Abstract

Victim Justice is an attractive topic in the field of criminal justice. Victim justice is a method through which the victim can seek justice from a court of law, ensure that their rights are protected in the criminal justice system, permit them to participate actively in the justice process and to entitle to receive compensation. Many jurisdictions follow an offender-oriented process, where State has the responsibility and power to prosecute and punish the convict for the crime committed. The power vested in the State in this regard is enormous, leading to a power imbalance between the State and the alleged offender in the criminal justice process. However, criminal law has been later developed to protect the human rights of the accused to minimize this power imbalance, leading to an imbalance between the rights of the accused and the rights of the victim. In this system, the victim is required to be satisfied with the punishment imposed on the offender. Criminal justice systems worldwide slowly adopted reforms to ensure that the victims get the justice they deserve, including protection of their rights. Sri Lanka also understood that the concept of victim rights is often disregarded as the major focus is shifted to the accused rather than the victim and introduced some laws to ensure the rights of the victims. However, still, the victims do not fully receive what they deserve as justice. This article seeks to investigate the adequacy of the laws in Sri Lanka that were introduced to ensure the concept of victim justice. To reach the main objective, the laws in Sri Lanka are evaluated with a comparative jurisdictional analysis with special reference to India, England and USA, and relevant international standards. This is a doctrinal study that employs the qualitative method using secondary resources.

Keywords: *Criminal Justice System, International Standards, Victims of Crime, Sri Lanka*

The Dilemma of Murderous Mothers: Exploring the Liability of Postpartum Psychosis as a Criminal Defense within the Legal Framework of Sri Lanka

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Abstract

Postpartum Psychosis (PPP) is a disorder in women who give birth while suffering from extreme agitation, hallucination, confusion, delusion, violence, suicide, and feeling of persecution. A few women; one in a thousand births, develop this disorder and will act on their impulses and harm or kill their babies or themselves. The etiology of PPP is not clearly defined, but many potential etiological factors have been implicated in developing this disorder among women. The risk factors among the possible factors are environmental, psychosocial, and biological factors. Women suffering from PPP have shown severe emotional imbalance, which applies as a criminal defence under criminal law in foreign jurisdictions. The main purpose of this research is to study the applicability of PPP as a criminal defence in the Sri Lankan criminal justice system by exploring criminal laws in foreign jurisdictions such as India, the United Kingdom and the United States of America. This research is mainly based on the normative method and qualitatively retrieved internet documentary analysis. This work has identified that the defence of insanity is applied to PPP by foreign jurisdictions to exonerate the accused from criminal liability. Presently, within the Sri Lankan Criminal Justice system, PPP is applied as an exception to murder, to mitigate the punishment but not as a defence. This work tries to find ways to apply PPP as a criminal defence by applying suitable contemporary developments in foreign jurisdictions to bring justice to women suffering from PPP in Sri Lanka.

Keywords: *Postpartum Psychosis, Defence of Insanity, Criminal Law, Criminal Liability, Sri Lanka*

Poverty and Its Effects on Sex Related Crimes

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Abstract

According to the existing situation of the world, it is estimated that in the course of her lifetime, one in three women will be physically, sexually or emotionally abused. Sexual Gender Based Violence has a catastrophic effect on survivors and the communities in which they live. The most frequent outcomes of such random violence are physical harm, unplanned pregnancies, fistulas, sexually transmitted illnesses, including HIV, and death. Survivors frequently experience social rejection, which makes them more vulnerable to future exploitation and abuse. It has been noticed that the sexual related crime rate in Ingiriya Police area was increasing due to poverty of the people living in the slums. The purpose of this study was to fill in the gaps of previous researches which differentiate the impacts of specific crime rates and does not examine impact of poverty on changing crime rates. The data for the analysis are derived through the statistics available on police records by considering 'Crime clock, crime map and documents of reported crimes such as secondary data. The qualitative data from five police officers were collected through semi structured interview method as primary data. Poverty is a cause to become a victim and also a criminal. This research has extended the study of poverty concentration in the area of Poverty Threshold and various types of crime and victimization by using victimization theories such as 'Routine theory and Life style theory' Lack of sexual education, poverty levels and its relationship to crimes, disorganization of the family, lack of love & affection of parents could be recognized as major factors for sex related crimes. Conducting sexual education programs in schools, conducting job fairs within grama niladhari divisions, make aware of the legal background of sex related crimes through community policing and establishing counselling programs could be recommended as the controlling and preventing methods of sex related crimes.

Keywords: *Sexual Offences, Poverty, Relationship, Sex Education*

The Social Impact of the “Janatha Aragalaya 2022” Movement on Law Enforcement in Sri Lanka

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Abstract

In recent years, public movements encouraging accountability and justice have gained significant motion worldwide. This research focuses on the Janatha Aragalaya 2022 movement. The research objectives were to assess its influence on public perception and trust in law enforcement agencies, investigate changes in the relationship between law enforcement and the community, and analyze the impact of the movement’s initiatives on the accountability and transparency of law enforcement practices. The study applied a quantitative research design, utilizing descriptive analysis, multiple linear regression, and inferential analyses. The research sample consisted of 49 individuals, including civil and police officers, selected through a simple random sampling method, and data were gathered through the questionnaire method. The findings revealed a weakly negative (-0.44) relationship between public perception and trust in law enforcement, as indicated by the regression equation $Y = 3.43 + (-0.42) + (-0.31) - e$. The analysis did not find a significant relationship between law enforcement and the community (-0.18). However, there was a weakly negative relationship (-0.37) between accountability and transparency in law enforcement practices, indicating some impact of the movement on these aspects. To further improve accountability and transparency, it is recommended to implement community outreach programs, enhance transparency in operations, improve communication with the public, engage in community-oriented policing practices, actively listen to community concerns, and collaborate with community members to address any issues or grievances. Building strong partnerships with the community can foster trust and enhance the link between law enforcement and the community. In conclusion, the Janatha Aragalaya 2022 movement had some impact on public perception and trust in law enforcement agencies and a weak influence on the accountability and transparency of law enforcement practices. Further efforts are needed to address the identified issues and reinstate trust in law enforcement while promoting accountability and transparency in future operations.

Keywords: *Social Impact, Janatha Aragalaya, Law Enforcement, Sri Lanka*

Finding Causes of Most Prominent Types of Sexual Gender Based Violence: A Study from Gokarella Police Area

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Abstract

This paper presents a thorough analysis of Sexual and Gender-Based Violence (SGBV) cases reported to the Gokarella Police Station in the North-western Province between 2017 and 2021. The research aims to identify the most prevalent types of SGBV cases in the area, determine their underlying causes, and address the research question concerning the reasons behind the increasing incidence of SGBV cases. Data collection involved monthly crime statistics reports from the Gokarella Police Station and interviews with key personnel, including the Officer in Charge (OIC) of the station, the OIC of the Women and Child Bureau, and investigating officers involved in relevant cases. Interviewees provided more descriptive opinions and information regarding the nature of filed cases, the nature of suspects' and respective victims' behaviour in the area. These crucial information were then thoroughly analysed to gain the results of this research. The identified SGBV cases were categorized as rape, grave sexual abuse, sexual abuse, and domestic violence, and a comparative analysis was conducted to observe changes in each type year by year. The findings reveal that sexual harassment is the most probable type of SGBV reported to the Gokarella Police Station. The causes of SGBV vary by type, with some contributing factors including poverty, social inequality, and gender discrimination. Moreover, the COVID-19 pandemic appears to have contributed to an increase in domestic violence cases, likely due to families being confined together at home during quarantine restrictions. This paper provides valuable insights into the root causes of SGBV in the Gokarella Police Station area, offering crucial information for the development of targeted policies and programs aimed at preventing and effectively addressing SGBV in the region.

Keywords: *Gamification, University Education, Student Engagement, Student's Motivation*

A Study on the Challenges Faced by Police Officials during the ‘Janatha Aragalaya’ (Public Unrest) in Sri Lanka

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Abstract

This research paper investigates the challenges faced by police officials during the period of ‘Janatha Aragalaya’ in Sri Lanka. Public unrest situations are described as riots, protests, civil disturbance or any type of social agitations. ‘Janatha Aragalaya’ is one of the public unrest situations that occurred in Sri Lanka recently. This situation was created against the Sri Lankan government due to the ongoing economic crisis of the country. ‘Janatha Aragalaya’ presented significant challenges for police officials while performing their duties in order to maintain peace and secured environment in society. The prime intention of the study is to identify and analyze the key challenges faced by police officials, examining the underlined causes and, implications, and provide effective strategies to overcome the challenges successfully. A purposive sampling method was implemented and data was gathered through semi structured interviews. Content analysis method was utilized for data analysis. According to the study, the relevant parties of Sri Lanka police who had first-hand experiences during ‘Janatha Aragalaya’ situation in Sri Lanka was contacted and interviewed to gather relevant information. According to the study 75 percent of the sample stated that policing methods in modern society need to be advanced. 80 percent of the sample stated that policy makers should provide necessary support and attention during this kind of public unrest. By identifying the challenges, final outcome of the research concluded that relevant policy makers must take necessary precautions and provide necessary support to effectively address situations of public unrest in Sri Lanka, and the need to review policing methods to cater for changing societal needs.

Keywords: *Janatha Aragalaya, Public Unrest, Sri Lankan Police, Policing Methods*

Exploring the Impact of the Economic Crisis on the Livelihood of the Up-country Tamils (Malaiyah Tamils) in Sri Lanka

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Abstract

“Malaiyaha Tamils” are also known as Hill Country Tamils, Up-Country Tamils or simply Indian Tamils. They predominantly descend from workers sent from Southern India to Sri Lanka in the 19th and 20th centuries to work in coffee, tea and rubber plantations. Since their ancestors’ arrival on the island in the nineteenth century, Up-country Tamils have lived at the margins of Sri Lankan society and politics, while being an integral part of the country’s import-export economy. The community has existed in Sri Lanka for more than 200 years without Sri Lankan citizenship and discriminated for decades. While all the communities in Sri Lanka are suffering from the economic crisis, it is question to know, how the ongoing economic crisis has affected the already discriminated Malaiyaha Tamil community. Malaiyaha Tamil population in Uva province is 154,252. In order to understand the nature of the impact of the economic crisis on the Malaya Tamil people, this study has been conducted using convenience random sampling method by adopting qualitative research sampling strategies and 50 civilians of Uva province belonging to the Malaya Tamil community were interviewed for the study. Semi structured interview method has been used to gather the data and qualitative content analysis method has been utilized for data analysis. According to the study, 95 percent of the community is suffering from malnutrition, 20 percent of families reported school drop outs, 65 percent families reported early marriages. Women in 30 percent of families work as house maids in Middle Eastern countries, 80 percent of the community does not have permanent jobs. Based on the study it can be concluded that the economic crisis has severely affected the livelihood of the Malayan Tamil people. Further research could be done on the livelihood of the Malaiyaha Tamil community, Nature of the prolonged struggles encountered by the Malaiyaha Tamil community, nature of the modern struggles face by the Malaiyaha community due to economic crisis, Nature of the criminality within the Malaiyaha community during the economic crisis.

Keywords: *Economic Crisis, Malaiyaha Tamils, Up-Country Tamils, Discrimination, Malnutrition, School drop outs, Early Marriages*