



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: Follow-up/CAT

20 August 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the fifth periodic report of Sri Lanka (CAT/C/LKA/5) by this Committee, at its 59th session, held from 7 November to 7 December 2016. At the end of that session, the Committee's concluding observations (CAT/C/LKA/CO/5) were transmitted to your Permanent Mission. In paragraph 49 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 7 December 2017, further information regarding areas of particular concern identified by the Committee in paragraphs 14(b), 16 and 18. It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Sri Lanka on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/LKA/CO/5)

SRI LANKA

(...)

C. Principal subjects of concern and recommendations

(...)

Institutional reform of the security sector

(...)

14. The State party should:

(...)

(b) Provide detailed information on Mr. Mendis's role and responsibilities with regard to allegations of torture while he was Deputy Inspector General of the Criminal Investigation Department.

Ensuring accountability for past cases of torture and disappearances

(...)

16. The State party should expedite the establishment of the mechanisms called for in Human Rights Council resolution 30/1 and, in particular, a judicial mechanism with a special counsel to investigate allegations of torture, enforced disappearances and other serious human rights violations. The mechanism should include independent judicial and prosecutorial institutions led by individuals known for their integrity and impartiality at the national and international levels. The State party should also map all pending criminal investigations related to serious human rights violations perpetrated during the course of the conflict and its aftermath, as well as the findings of all presidential commissions that documented such cases, and ensure that prompt, thorough and independent investigations are conducted to establish the truth and to ensure that those responsible, directly or as commanders or superiors, are held to account. In this regard, the Committee recalls that, as stated in its general comment No. 3 (2012) on the implementation of article 14, amnesties for the crime of torture are incompatible with the obligations of States parties under the Convention. The State party should ensure that its ongoing investigations into emblematic cases of violations during the conflict and post-conflict eras are concluded as expeditiously as possible and result in prosecutions of the perpetrators.

(...)

Reprisals against victims and witnesses in cases of torture

(...)

18. The State party should establish an independent, effective, confidential and accessible complaints mechanism for victims of torture, including for persons deprived of their liberty, and ensure that complainants can file their complaints safely without risk of reprisals. It should also revise the Assistance to and Protection of Victims of Crimes and Witnesses Act to ensure that witnesses to and victims of human rights violations, including torture, sexual violence and trafficking, are effectively protected and assisted, in particular by ensuring that the Victims and Witness Protection Division is an autonomous entity independent of the police hierarchy and that its members are fully vetted. The State party should also take prompt criminal and disciplinary action against police officers responsible for threats or reprisals against victims of and witnesses to torture.

(...)

Follow-up procedure

49. The Committee requests the State party to provide, by 7 December 2017, information on follow-up to the Committee's recommendations on the role and responsibilities of Mr. Mendis when he was Deputy Inspector General of the Criminal Investigations Department from March 2008 to June 2009 with regard to torture that allegedly occurred during his mandate; the establishment of a judicial mechanism with a special counsel to investigate allegations of torture, enforced disappearances and other serious human rights violations; and the establishment of an independent, effective, confidential and accessible complaints mechanism for victims of torture and the revision of the Assistance to and Protection of Victims of Crimes and Witnesses Act (see paragraphs 14 (b), 16 and 18 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
