



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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16 August 2016

REFERENCE:KF/fup-117

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the examination of the fifth periodic report of Sri Lanka.

At the end of its 112<sup>th</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. You may recall that, in paragraph 25 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 5, 14, 15 and 21 of the concluding observations.

On 16 October 2015, the Committee received the reply of the State party. At its 117<sup>th</sup> session, held in July 2016, the Committee analysed this information and adopted the following decisions:

- Paragraph 5: (a)[B1]: While the Committee welcomes the enactment of the 19<sup>th</sup> Amendment, it requires further information on whether it repeals all controversial provisions introduced in the 18<sup>th</sup> amendment, in particular with regard to the dismissal or appointment of members of the judiciary.  
(b)[B2]: The Committee acknowledges the actions taken by the State party limiting the President's discretionary power and increasing transparency and impartiality in the appointment process of members of independent bodies. The Committee requires information on the criteria for appointment and dismissal, particularly with regard to members of the judiciary.  
(c)[B1]: The Committee acknowledges the actions taken by the State party to strengthen the independence of the judiciary. The Committee requires information on:
  - (i) the role and mandate of the Judicial Service Commission;
  - (ii) the content and implementation of the 19<sup>th</sup> Amendment; and
  - (iii) the follow-up given to the impeachment of the Chief Justice in January 2013, which took place in circumstances that raised serious doubts about its consistency with basic principles of due process and judicial independence.

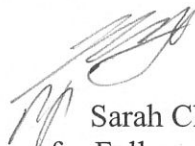
His Excellency  
Mr. Ravinatha P. Aryasinha  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative  
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- Paragraph 14: (a)[C1]: While acknowledging the plans envisaged to address the right to truth, justice and reparations, and to guarantee the non-recurrence of the violations, the Committee requests updated information on their concrete content and implementation or the envisaged timeline for their implementation. The Committee reiterates its recommendation.  
  
(b)[B1]: While welcoming the information provided on the Trincomalee and Action Contre La Faim cases, and on testimony through video link, the Committee requests information on measures taken to allow overseas witnesses to testify by video link from secure and secret locations outside of Sri Lanka.
- Paragraph 15: (a)[B2]: The Committee notes the steps taken by the State party in clarifying cases of enforced disappearances, but requests additional information on (a) any new cases of missing persons or enforced disappearances from the prior conflict that have been identified, (b) the number of investigations, prosecutions and convictions of perpetrators, and (c) the results of the 2015 visit of the Working Group. It also requires information on the follow-up given to the report of the Paranagama and the Udalgama Commissions.  
  
(b)[B2]: The Committee welcomes the State party's cooperation with the ICRC to establish an office for missing persons and requests information on progress made in this regard. It requires further information on measures taken to ensure the rights of families to know the whereabouts of the disappeared persons in a transparent and impartial manner, and to ensure adequate witness protection. It also requires information on measures taken to ensure that the Presidential Commission to Investigate into Complaints regarding Missing Persons and other relevant bodies are provided with adequate legal powers, as well as human, technical and financial resources.
- Paragraph 21: [B2]: While the Committee notes the State party's efforts to remove restrictions on websites and the media, it requests more information on the number of complaints received since the adoption of the concluding observations and the actions taken to investigate cases of harassment and attacks against journalists, lawyers, clergymen, political activists, members of non-governmental organizations and human rights defenders, hold perpetrators accountable and provide remedies to the victims.

The Committee would appreciate it if the information referred be forwarded to the Secretariat **by 1 November 2016**. The reply should be sent in Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: [kfox@ohchr.org](mailto:kfox@ohchr.org)). The information will then be scheduled for consideration at a future session.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Sri Lanka on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.



Sarah Cleveland  
Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee