

**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.

(...)
