



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record (partial)* of the 1030th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 8 November 2011, at 10 a.m.

Chairperson: Mr. Grossman

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Third and fourth periodic reports of Sri Lanka (CAT/C/LKA/3-4; CAT/C/LKA/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sri Lanka took places at the Committee table.*
2. **Mr. Pieris** (Sri Lanka) said that his country had consistently striven to uphold its obligations under the Convention against Torture, even as it had struggled to maintain national security and law and order while combating a violent terrorist organization. Since the defeat of terrorism in May 2009, it had stepped up its efforts to rebuild the country and was now striving to harmonize economic, social and political life, particularly in areas that had been affected by the conflict. To that end, Sri Lanka had re-established civilian administrations and had implemented economic development programmes that focused on rehabilitation, reconstruction and reconciliation.
3. Sri Lanka was also taking steps to amend its legislation, including its Code of Criminal Procedure, and to enhance the mechanisms by which legislation was implemented. It continued to work closely with all human rights treaty bodies, and with the special procedures of the Human Rights Council with a view to ensuring that it fully complied with international norms. Sri Lanka had, moreover, welcomed two visits by Special Rapporteurs on torture.
4. A duty attorney scheme would be established in every police division; under that scheme, police stations would be required to inform the attorney on duty within a specified period of any arrests that had occurred. The duty attorney would also have a statutory right of access to detained persons upon their arrest, with a view to ensuring that they were not subjected to extrajudicial procedures. The legislature was also considering the introduction of an investigative magistrate to oversee investigations.
5. Despite grave atrocities committed by non-State actors, Sri Lanka had maintained a policy of zero tolerance on torture. Under the Constitution, Sri Lankans enjoyed a fundamental, non-derogable right not to be subjected to torture or inhuman or degrading treatment or punishment. The delegation acknowledged, however, that further efforts were required to ensure that no violations of the Convention occurred in the country.
6. In its report to the Working Group on the Universal Periodic Review, submitted in May 2008, Sri Lanka had pledged to establish a national action plan for the protection and promotion of human rights, with clear targets to be achieved within five years. Efforts to draft that action plan had begun in 2009, and a thorough assessment of the human rights situation in the country had been carried out, inter alia, by reviewing relevant reports submitted under the universal periodic review mechanism, all treaty body recommendations made during the previous 10 years, including those of the Committee, the recommendations of special rapporteurs, and reports submitted by NGOs. Eight thematic areas, including combating torture, had then been identified and consultations involving over 200 civil society organizations and relevant governmental agencies had taken place with a view to identifying key issues to be addressed in each thematic area. Eight drafting committees had prepared a draft action plan on each area. In September 2010, a Cabinet of Ministers subcommittee had been appointed to finalize a composite plan, entitled the National Action Plan for the Protection and Promotion of Human Rights, which incorporated the eight thematic plans and set a clear time frame for implementation. The National Action Plan had recently been submitted to the Cabinet of Ministers for adoption.

7. Furthermore, Sri Lanka had drawn up a Thematic Action Plan on Torture that aimed to address issues related to legislation, detection and post-investigation, prevention, institutional monitoring mechanisms, combating impunity, protection for women and children, and rehabilitation and reparation.

8. During the armed conflict, Sri Lanka had taken action to promote respect for human rights within the armed forces, inter alia by establishing a Directorate on Human Rights and International Humanitarian Law within the army, which conducted awareness-raising campaigns and provided training on human rights and humanitarian law for security personnel. Furthermore, human rights cells, which reported directly to service commanders, had been set up within the three branches of the armed forces, and a human rights division had been established by the police to provide training to law enforcement officers.

9. Sri Lanka had also strengthened the authority responsible for upholding the human rights of internally displaced persons and ex-combatants and, in 2006, had established a special ministry responsible for human rights and the provision of humanitarian assistance. The Ministry of Resettlement and Disaster Relief Services also worked to protect the interests of internally displaced persons.

10. The massive humanitarian rescue operation that had been conducted during the final stages of the war had focused on ensuring the safety and security of civilians and on their evacuation from areas controlled by terrorists. The State, in coordination with United Nations agencies, had assisted 300,000 internally displaced persons, including approximately 12,000 ex-combatants. In the post-conflict period, the Government had provided further assistance to internally displaced persons, facilitated their return to their homes, and continued its efforts to rehabilitate ex-combatants and reintegrate them into society. To that end, a full-time Commissioner had been appointed, in July 2009, to head the Bureau of the Commissioner General of Rehabilitation.

11. The Way Forward on Rehabilitation, Reinsertion and Reintegration programme also provided ex-combatants with assistance over three months, ensuring that they had adequate food, shelter and clothing, and access to health-care services and community-based support mechanisms. Long-term assistance included educational and vocational training courses, access to microfinance facilities and business support services, as well as help in finding paid employment. All female ex-combatants and minors who had taken part in that programme had now returned to their communities and families.

12. In May 2010 the President had appointed the Lessons Learnt and Reconciliation Commission to enquire into and report on: the lessons to be learnt from the conflict with a view to ensuring that it did not recur; whether any person, group or institution directly or indirectly bore responsibility in that regard; how restitution could be made to persons or their dependents or heirs affected by the conflict; the institutional administrative and legislative measures needed to prevent any recurrence of violence; and the steps required to promote further national unity and reconciliation among all communities. In furtherance of its mandate to report on those responsible for conflict-related offences, the Commission focused on restorative justice. The Commission would be submitting its report to the President of Sri Lanka in the near future.

13. Honouring the pledge it had made to the Human Rights Council, Sri Lanka had abolished all emergency regulations. Sri Lanka sought to promote respect for diversity, pluralism and multiculturalism, and sought to forge a common Sri Lankan identity for all citizens.

14. **Ms. Gaer** (Country Rapporteur) said that, although the Government of the State party maintained that it did not resort to the use of torture and that it had never sought excuses for doing so, the Committee continued to receive a substantial number of allegations of torture and ill-treatment from a broad range of people around the country.

Claims ranged from enforced disappearances to routine ill-treatment by police, from the existence of secret detention centres to a failure to investigate deaths in custody.

15. Without the rule of law, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment could not be implemented. Three worrying trends could be observed in the light of the State party's third and fourth periodic reports (CAT/C/LKA/3-4) and its replies to the list of issues (CAT/C/LKA/Q/3-4/Add.1): a paucity of data enabling assessment of the Convention's implementation; a tendency not to independently investigate well founded allegations of torture and the resulting failure to prosecute perpetrators, leaving the Convention against Torture Act No. 22 of 1994 effectively dormant; and the continued harassment of human rights lawyers and journalists. The State party had replied adequately to only 3 of 21 questions requesting specific statistical data. Could the delegation explain the failure to provide that information and, if possible, present it in the course of the current meeting?

16. According to information before the Committee, the Code of Criminal Procedure did not guarantee the right of the detained individual to contact and have confidential communication with a lawyer of his or her choice, to have a lawyer and interpreter present during interrogations by the police, or to contact family members. She wished to know how the State party intended to amend its legislation in order to guarantee those rights. She also asked whether the rights set out under presidential directions were enforceable. If so, could the delegation provide data with regard to the number of complaints of their violation that had been filed with the courts and to subsequent action taken? If not, it would be useful to know how those rights were implemented. She also noted that the State party had failed to provide information with regard to the availability of Tamil-speaking interpreters appointed to the courts.

17. In the absence of information with regard to monitoring by the National Human Rights Commission, by magistrates or by the police to ensure the provision of fundamental safeguards, she asked for data on the number of inspections made of places of detention and police stations by the Commission and whether its findings had been made public, as well as the number of complaints filed with it in that regard, and their outcome.

18. She asked whether any efforts were made to monitor the delivery of arrest receipts by the police to family members of detainees and whether members of the police had been disciplined for not doing so. She asked where legal aid offices were located and how many people complaining of the denial of fundamental safeguards or of torture or ill-treatment by the police, or making claims for redress, had been represented by them.

19. Noting mention in paragraph 18 of the State party's replies to the list of issues of a draft legal amendment, she wished to know which law was to be amended and the current status of the draft.

20. It appeared that detainees could only apply to the courts for independent medical examinations. She wanted to know who authorized such examinations, how long it took for them to be carried out from the time of request and whether it was possible to make such a request from the moment of the deprivation of liberty. Were medical examinations confidential or did police officers attend? She also wished to know whether medical records of detainees indicating that they had been injured were brought systematically to the attention of prosecutors, how detainees were informed of their right to request a medical examination and whether they had the right to see the ensuing reports. Were judicial medical officers, of whom there were only 42 throughout the country, required to furnish detainees with the results of the examinations and to report all suspected cases of torture to the National Human Rights Commission?

21. Observing that 122 of 131 pending habeas corpus applications had come from the Vavuniya region in 2010, she asked what measures had been taken to examine the

implementation of habeas corpus in that region. She also wished to know how many cases, successful or otherwise, had been filed between 2006 and 2011. The Committee had been informed that detainees were frequently brought before magistrates by police officers from the place of detention where ill-treatment had occurred and that the magistrates did not routinely enquire about the treatment they had received in custody. Did the State party plan to oblige magistrates to make such enquiries and bring allegations of torture to the attention of the National Human Rights Commission immediately? Was it true that it was expensive for detainees to file habeas corpus claims and that it took years to resolve them in the courts?

22. Sri Lanka had been labelled by the Working Group on Enforced or Involuntary Disappearances as the country with the second highest number of enforced disappearances in the world, with more than 5,000 unresolved cases. The Working Group had received around 140 such cases a year between 2006 and 2008 and NGOs had supplied further lists. Could the delegation shed light on any of those cases?

23. Turning to the fate of persons detained on charges of terrorism and noting that such persons could be legally held without trial for 18 months under the Prevention of Terrorism Act, she asked what was being done to ensure their right to habeas corpus, prompt access to a lawyer of their choice, contact with family members and independent medical examinations. Under the Act, confessions were admitted as evidence in court and the burden of proving that such confessions had been made involuntarily was shifted onto the detainee. Referring to the specific case of journalist J.S. Tissainayagam, prosecuted in the Colombo High Court, she asked whether the State party had or would amend legislation with regard to the acceptance of confessions as evidence. She also wished to know the total number of people detained, charged, prosecuted and sentenced under the Act since the State party had presented its last periodic report.

24. Noting that detainees held at Boosa detention centre could only meet lawyers, and then not confidentially, with permission from the Terrorist Investigation Division, she asked how many requests for such permission had been made and granted, and how long the process took. It was known that some inmates had been held in administrative detention for years, far longer than the maximum of 18 months established under the Act, and she wished to know what the State party did to ensure that the limit was not exceeded. She also asked whether the National Human Rights Commission had the right to visit all sectors of all detention centres where persons were held under the Prevention of Terrorism Act. Had the Commission reported on such inspections and what action had been taken as a result? She also wished to know whether the Commission or the Government authorized prison inspections by NGOs and how detainees could exercise their right to make complaints to external organizations. Were statistics available on the number of such complaints filed and their outcome?

25. The Committee had received unverified allegations that the army and paramilitary groups ran as many as seven secret places of detention for suspected collaborators of the Liberation Tigers of Tamil Eelam, in which torture and extrajudicial killings had taken place. She asked the delegation to comment on those sites, which, if they existed, constituted per se a violation of the Convention. Was the State party prepared to publish the names of all persons detained under the Act, whether by the police or the armed forces, and the location of their detention?

26. She asked for clarification of the case of alleged attacks on lawyer Amitha Ariyaratne, among others, and expressed grave concern at the publication on the Ministry of Defence website of the names of five lawyers considered to be “traitors” because of their activities in the defence of the human rights of certain individuals. She also wished to know whether Government agencies were required to investigate attacks on persons amounting to

a violation of their rights, even in the absence of a formal complaint, as stipulated by article 12 of the Convention.

27. Reiterating her request for data regarding the number of complaints filed with the National Human Rights Commission since 2006, she noted that the Commission itself had stated that it had received 276 complaints of torture and 28 complaints of enforced disappearance so far in 2011. Had those complaints been filed under the Convention against Torture Act? She also wondered what impact presidential appointments to the Commission had on its independence.

28. Turning to the matter of deaths in custody, she repeated the Committee's request for data on the number of such deaths, whether they had been investigated and, if so, what the findings of the investigations had been. With regard to commissions of inquiry into human rights violations, which had identified perpetrators and whose reports had been submitted to the Government, she asked whether the reports, especially that of the Lessons Learnt Reconciliation Commission, would be made public.

29. Noting information from NGOs to the effect that there had been no indictments under the Convention against Torture Act since 2007, she asked what had been the outcome of a series of indictments made before then. Was it true that there had been no indictments and prosecutions under the Act since then because of procedural changes made by the Office of the Attorney-General? She asked the delegation to furnish the exact number of indictments, petitions and sanctions referred to in paragraph 105 of the State party's replies to the list of issues, and to comment on the apparent failure by the State party to launch prompt and effective investigations of alleged torture cases since 2006.

30. **Mr. Bruni** (Alternate Country Rapporteur) asked whether the State party was still considering making declarations under articles 21 and 22 of the Convention. Referring to the National Action Plan for the Promotion and Protection of Human Rights, he asked what action was being taken to implement the measures set out in paragraph 4 of the periodic report and which measures were already in place. Paragraph 13 of the report stated that, as a matter of State policy and practice, the Government maintained a zero-tolerance policy on torture. It remained to be seen how legal and administrative measures to combat torture would be implemented in practice, and whether the policy would be successful. He requested further information on practical measures taken to pursue it.

31. He sought the delegation's comments on information received from the Asian Human Rights Commission concerning 323 of an alleged 1,500 cases of torture reported in Sri Lanka between 1998 and 2011, which should be addressed in the context of the zero-tolerance policy. Another non-governmental organization, Freedom from Torture, had alleged that around 100 Sri Lankans had requested medico-legal reports documenting torture for use in asylum claims in 2010, and a similar number in 2011. Allegations of torture had also been received by the Human Rights Council's Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and Ms. Gaer had referred to the large number of cases of disappearance still unsolved. However much the authorities claimed to be responding to the situation, the continuing flow of allegations indicated that the zero-tolerance policy had yet to be effective.

32. While noting the measures taken by the National Human Rights Commission, he enquired what resources the Commission had requested and been allocated by the competent authorities. He asked whether the Commission was authorized to visit military camps if it received reports of detention at such premises. If so, which military detention facility had it visited most recently?

33. He sought information on procedures and conditions in police stations in the State party. Had any reports been received in that regard from the National Human Rights Commission, and had any recommendations been implemented? During an unannounced

visit to Mount Lavinia police station in August 2011, the Commission had discovered individuals who had been detained for substantially longer than provided for in law, some of whom appeared to have been tortured. He asked whether the alleged perpetrators had been prosecuted, and what the outcome of any proceedings had been.

34. Turning to article 10 of the Convention, he asked whether evaluations were carried out on human rights training programmes for the police and armed forces, and whether the number of claims of torture or ill-treatment, particularly from detainees, had decreased as a result of training. He requested additional information on how the Istanbul Protocol was incorporated into training programmes.

35. Regarding visits by magistrates to inspect remand prisons, which could be unannounced, he enquired about recent visits. Had the reports of any such visits been made public? What were their contents?

36. While he welcomed the fact that, since the end of August 2011, emergency regulations were no longer in force in the State party, he said that the detention of individuals under the Prevention of Terrorism Act for as long as several years was neither admissible nor lawful. Information received by the Committee indicated that, of the 1,900 people detained under the Act pending investigation as of May 2010, 1,306 were still in detention in February 2011. He sought confirmation of those figures and enquired about the length of time for which individuals detained under the Act were held in police custody. In the light of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, what had been done to improve detention conditions?

37. Referring to paragraph 79 of the State party's written replies to the list of issues, he questioned the assertion that it was totally erroneous to state that, as of September 2010, 25,795 civilians remained in detention, as the information had originally been provided to the Secretary-General's Panel of Experts on Accountability in Sri Lanka by the Government itself. He asked the delegation to clarify matters.

38. The authorities maintained that, with the exception of convicted offenders, all those undergoing rehabilitation were voluntary participants in the process and should not be assimilated to detainees; however, use of the term "voluntary" implied that an alternative had been available to them. Had those who surrendered been able to decline the offer of rehabilitation? Many non-governmental organizations had likened rehabilitation centres to mass detention facilities operated under the emergency regulations, which had now been lifted, but which had authorized the detention of individuals for up to 2 years without charge for the purpose of rehabilitation. Conditions in the centres had been described as deplorable. He sought the delegation's reaction to such negative criticism. According to the State party's written replies to the list of issues, some of those detained had challenged the legality of their detention through the courts. He asked how many such cases had been brought, what allegations had been made, and what the outcome had been.

39. Referring to the problem of prison overcrowding mentioned in paragraph 92 of the written replies, he asked whether the transfer of prisoners from Colombo Remand Prison to other facilities had helped to ease the situation, and whether any other measures were envisaged. He enquired about the current overall rate of prison occupancy in the State party.

40. On the issue of deaths in custody, he referred to information received from Amnesty International that 10 suspects had allegedly died in suspicious circumstances while in custody in 2010. In addition, nine other non-governmental organizations had submitted a report documenting 54 deaths in custody.

41. Turning to article 12 of the Convention, he highlighted two important elements: the procedure established to conduct criminal investigations into allegations of torture within

the police force, in which respect the Committee's recommendation to establish an independent body had not been implemented; and the warning issued by the Inspector General of Police to all officers in charge of police stations that they should prevent any act of torture against, and death of, persons in police custody. What had the result of the warning been in practice? Had there been any investigations, prosecutions or punitive measures?

42. With regard to question 22 of the list of issues, he asked whether the delegation could confirm that a number of individuals had presented oral or written testimony to the Lessons Learnt and Reconciliation Commission alleging serious human rights violations. Information received from Amnesty International suggested that members of the Commission had imposed their own views on proceedings and challenged the testimony of experts and witnesses who had criticized the State, and he hoped that the report of the Commission's work would be published, so that the results of the reconciliation process could be seen. He wondered whether, in response to criticism, the State party would consider accepting a fact-finding mission, which would add credibility to the conclusions in the Commission's report, once published.

43. He sought the delegation's views concerning alleged torture at Boosa prison. Lastly, he asked what the authorities had done to follow up the numerous allegations of torture by paramilitary groups not fully answerable to military commanders during the 20-year conflict, whether investigations had been carried out, and whether any prosecutions had been brought.

44. **Ms. Belmir** asked how the fact that some magistrates were appointed — and could only be removed — by the President of the State party could be reconciled with the independence of the judiciary, particularly in view of allegations of politicization and interference. She sought further information on the precise nature of the Presidential Directions issued in July 2007, as referred to in question 2 of the list of issues. She expressed the view that much could and should be done to reduce delays in the justice system. The State party should also take action to improve the situation of children in general, and of minors in detention in particular. The age of criminal responsibility was very low; some minors were held in pretrial detention for extended periods of time; and children were not always separated from adults, including of the opposite sex. She asked whether anything had been done to improve conditions for minors in detention.

45. **Ms. Sveaass** noted that the reply to question 17 of the list of issues provided data concerning persons transferred from detention to rehabilitation centres either voluntarily or on the basis of a court order. She asked whether separate figures were available for the two categories.

46. The number of beneficiaries of rehabilitation services had fallen sharply from over 11,900 to roughly 1,000. While the Committee was aware of the psychosocial assistance provided to beneficiaries, it had also been informed of serious allegations of rough handling in the centres. She therefore asked whether those allegations had been investigated and whether any of the victims of abuse would receive compensation or some other form of redress. She emphasized in that connection that mental suffering formed part of the definition of torture in article 1 of the Convention and that the effects of psychological ill-treatment could last for much longer than those of physical abuse. The tables indicated that a total of 594 children aged between 12 and 18 years had been transferred to rehabilitation centres. She asked how many remained in the centres and whether any action had been taken to reunite them with their families.

47. The Committee had received information about extensive abuse of women and children by military and law enforcement personnel during and after the conflict. She asked

whether any investigations had been undertaken and whether the victims had been able to seek assistance and redress.

48. She understood that there was no law in Sri Lanka that could be invoked to ensure that victims of torture could obtain redress in accordance with article 14 of the Convention. Were any steps being taken to enact such a law? According to paragraph 57 of the report, compensation could be awarded by the Supreme Court or the district courts to any person who had a cause of action against the State. She asked whether the legal provisions in question related specifically to torture and enquired about the procedure to be followed by petitioners. Were there any statistics available on the number of persons who had been awarded compensation for torture?

49. **Mr. Mariño Menéndez** noted that the State party, acting on the Committee's recommendations following its inquiry into the human rights situation in Sri Lanka in 2000 under article 20 of the Convention (A/57/44), had established a Central Police Registry at the Police Department containing information on the arrest and detention of persons under the Prevention of Terrorism Act and the Emergency Regulations. He asked whether the Registry had been expanded in the meantime to cover arrest and detention under other legislation with a view to preventing acts of torture. He also enquired about progress in the enactment of the proposed constitutional Human Rights Charter and the legislation on Assistance and Protection for Victims and Witnesses of Crime.

50. There had been many complaints concerning the treatment of Sri Lankan domestic employees, particularly women, for instance in the Arabian Gulf countries. Had the State party taken any action to protect their rights? He drew attention in that connection to general comment No. 1 on migrant domestic workers adopted by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

51. He understood that additional safeguards would be applicable to police interrogation procedures under the proposed new Code of Criminal Procedure. He asked who conducted interrogations under the existing rules, whether representatives of the prosecutor or magistrate were present and whether the interrogations were recorded. Were there any regulations governing incommunicado detention, during either pretrial detention or imprisonment?

52. According to the Asian Human Rights Commission, the Attorney General's policy concerning torture and ill-treatment had been changed on the appointment of a new Attorney General in 2010. The Attorney General's Department allegedly now defended officials charged with torture before the Supreme Court. He invited the delegation to comment on that report. Lastly, he enquired about the jurisdiction of military criminal courts in cases where members of the armed forces were accused of acts of torture.

53. **Mr. Gaye** noted that although the armed conflict in Sri Lanka had ended, a climate of impunity seemed to persist, largely owing to the continuing applicability of some provisions of the Prevention of Terrorism Act and the Emergency Regulations. A number of NGOs had moreover reported on attempts to muzzle the press and other media. There had apparently even been attacks on media premises. Such intimidation was obviously anti-democratic.

54. He gathered from the report that the judicial system played no part in the extradition process and that the relevant legislation failed to mention the risk of torture in the country requesting extradition as a ground for rejecting the application. The State party's compliance with the obligation of non-refoulement in the Convention was therefore unclear. He understood that Sri Lankan legislation contained no specific provision debarring evidence obtained through torture. The inadmissibility of such evidence was a basic principle of the Convention.

55. **Ms. Kleopas** joined other Committee members in expressing concern about the convincing evidence that impunity remained the rule in the State party, especially regarding violations of the Convention. She asked whether the State party, when formulating the thematic section of the National Action Plan for the Protection and Promotion of Human Rights dealing with torture, had taken into account the recommendations of the report of the Secretary-General's Panel of Experts on Accountability. According to the report, the Lessons Learnt and Reconciliation Commission was deeply flawed, did not meet international standards for an effective accountability mechanism and therefore could not satisfy the joint commitment of the President of Sri Lanka and the Secretary-General to an accountability process.

56. **Mr. Wang Xuexian** expressed sympathy with the people of a country that had been plagued for so long by terrorism, involving, inter alia, attacks on the President, schoolchildren, passenger ships and international airports. All States parties were nonetheless bound to prevent torture and no exceptional circumstances whatsoever could be invoked as a justification for any form of torture. He therefore hoped that the National Action Plan would be fully implemented. The Committee had received a number of reports of extrajudicial killings, including one concerning a 7-year-old boy, who had allegedly been gunned down and killed in a marketplace. He asked whether those allegations had been investigated.

57. **The Chairperson** noted that, according to the report, the Supreme Court had held that mental pain and suffering outside the realms of the strict definition of torture also constituted torture. He asked for a list of cases in which the Supreme Court had applied that principle. What penalties were prescribed under the Penal Code for the crime of torture? He understood that 860 people continued to be held under the Emergency Regulations, which had not been in effect since August 2011. If the number was accurate, he asked under what legal grounds they were being held. How many detainees had requested and been provided with assistance by the Legal Aid Commission?

58. According to paragraph 23 of the replies to the list of issues, there were 131 habeas corpus applications pending. He enquired about the outcome of applications that had already been decided. He asked for information concerning the number of Tamils in the judiciary and how that number compared with the ratio of Tamils to the total population of Sri Lanka. According to NGOs, the Constitution provided the executive branch with immunity from suit. If that allegation was true, how could members of the executive be investigated?

59. As early as 1999, the Commission on Human Rights had expressed concern about the high number of disappearances in Sri Lanka, and the report of the Secretary-General's Panel of Experts referred to the use of white vans for the purpose. What steps had been taken to address that issue? According to Human Rights Watch, there was no systematic documentation of such disappearances. He asked whether the authorities had any list of disappeared persons and of their family members, who might be eligible for compensation. The Committee had enquired about internally displaced persons because they were in a vulnerable position that could lead to acts of inhuman treatment. According to the reply to question 16 of the list of issues, about 7,000 internally displaced persons remained in the welfare villages. A number of NGOs had disputed that number. He requested statistics disaggregated by sex, age and ethnicity. How many people were currently detained under the Prevention of Terrorism Act? According to Amnesty International, only three prosecutions had been conducted between 1994 and 2008. He asked how many indictments and prosecutions had been conducted since then.

60. He enquired about the status of the investigation into the disappearance of the journalist Prageeth Ekneligoda, who was allegedly abducted in January 2010. Another journalist, Podala Jayantha, the Secretary of the Sri Lanka Working Journalists Association,

had allegedly been abducted and tortured in 2009 by a group, who had broken his fingers to prevent him from writing. Had the incident been investigated, the perpetrators punished and the victim compensated?

61. With regard to article 14 of the Convention, he asked whether there was any special budget allocation for the payment of compensation to victims of torture. Lastly, he wished to know whether the State party intended to ratify the Optional Protocol to the Convention, the Rome Statute of the International Criminal Court and the International Convention for the Protection of All Persons against Enforced Disappearance. Did it plan to recognize the Committee's competence to receive communications from States parties and individuals under articles 21 and 22 respectively of the Convention?

62. **Mr. Pieris** (Sri Lanka) assured the Committee that all the issues it had raised would be addressed with openness and sincerity. While his country might have fallen short of its obligations owing to human frailty and the extenuating circumstances of the lengthy internal conflict, its position on torture was one of zero tolerance. It was committed to upholding the rule of law and would do its utmost to comply with the provisions of the Convention.

The discussion covered in the summary record ended at 12.25 p.m.