



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

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Summary record of the 1472nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 15 November 2016, at 10 a.m.

Chair: Mr. Modvig

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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)*

Fifth periodic report of Sri Lanka (CAT/C/LKA/5; CAT/C/LKA/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*
2. **Mr. Jayasuriya** (Sri Lanka), introducing his country's fifth periodic report (CAT/C/LKA/5), said that the presentation of the report was a manifestation of his country's continued yet renewed engagement with the United Nations human rights system since the presidential and parliamentary elections of January and August 2015 respectively. Concerns expressed by different stakeholders, including civil society organizations, had been taken into account during the preparation of the report.
3. Since it had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1994, Sri Lanka had developed a legislative framework to combat torture effectively. Article 11 of the Constitution, from which no derogation was permitted, guaranteed that no person would be subjected to torture or cruel, inhuman or degrading treatment or punishment; and the jurisprudence of the Supreme Court confirmed that the definition of torture contained in Act No. 22 of 1994 was sufficiently broad to cover the notion of "suffering".
4. During the period under review, the sociopolitical landscape of Sri Lanka had changed considerably and substantial improvements had been made to national legislative frameworks and to government policies, including those relating to the prevention of torture. One of the most significant legislative measures taken by the Government had been the adoption of the nineteenth amendment to the Constitution, pursuant to which the presidency of Sri Lanka had been limited to two five-year terms.
5. Act No. 4 of 2015 had been passed to protect and promote the rights of witnesses and victims of crimes, and a national authority had been established to give effect to the Act. The Cabinet had approved a draft amendment to the Act to facilitate the leading of evidence from outside Sri Lanka. On 3 November 2016, a victim and witness protection division had been inaugurated within the police.
6. In accordance with a circular dated 10 October 2016, preliminary action had been undertaken to implement the Right to Information Act of 4 August 2016. In addition, a constitutional reform process had been set in motion to ensure durable peace and the sustainability of reconciliation mechanisms.
7. In August 2016, the Government had made the declaration under article 22 of the Convention, recognizing the competence of the Committee to receive and consider individual communications. In June 2016, the President had issued directives to the armed forces and the police requiring them to ensure that the fundamental rights of persons arrested or detained were respected and that such persons were treated humanely, and to assist the National Human Rights Commission in the performance of its functions. In March and April 2016, members of the armed forces had been notified that strict action would be taken in response to human rights violations.
8. The Government was firm in its commitment to a zero-tolerance policy on torture. With that in mind, the prevention of torture was one of the themes of the National Human Rights Action Plan for 2017-2021. Consultations had been held with various stakeholders, including representatives of civil society, to obtain their input for a chapter of the Plan devoted to the issue of torture.

9. The nineteenth amendment to the Constitution had introduced a number of safeguards to uphold the independence of the judiciary and the Bar Association, including through the establishment of mechanisms for the appointment of high court judges, members of the Judicial Services Commission and the Attorney General. The amendment had also led to the strengthening of the National Police Commission.

10. Since 2014, the Government had taken steps to increase the resources allocated to the National Human Rights Commission with a view to facilitating the effective discharge of its mandated functions. In May 2016, the Commission had issued directives to officers arresting persons under the Prevention of Terrorism Act, requiring them to ensure that the fundamental rights of such persons were respected and that they were treated humanely. All detainees could challenge the lawfulness of their detention by petitioning the High Court or the Court of Appeal for a writ of habeas corpus, or by filing a fundamental rights application with the Supreme Court.

11. **Mr. Perera** (Sri Lanka) said that, on 21 April 2016, the Government had set up a committee to draft a counter-terrorism bill that conformed to relevant international norms and standards, and was consistent with the principles of democracy, good governance and the rule of law. The committee had cooperated with, among others, the United Nations Office on Drugs and Crime (UNODC) and the Counter-Terrorism Committee Executive Directorate, before presenting a preliminary version of the bill to the Cabinet for its consideration.

12. The committee's deliberations had brought to light a number of issues that required further consideration, including: the scope of the offences covered by the bill; powers of arrest, investigation and detention; the bringing of suspects before a judge; and the admissibility of evidence. In order to discuss those issues with international experts and to share experiences in countering terrorism, a high-level dialogue had been held on 8 and 9 November 2016 in Colombo with the participation of, inter alia, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and representatives of the Terrorism Prevention Branch of UNODC.

13. The Parliamentary Oversight Committee on National Security had begun its consideration of the bill in early November 2016. It was expected to engage with members of civil society and to present the outcome of its discussions to the Cabinet.

14. **Mr. Aryasinha** (Sri Lanka) said that the Government's commitment to human rights was reflected in the fact that several high-level United Nations officials had visited Sri Lanka since the beginning of 2015, notably the High Commissioner for Human Rights in February 2016 and the Secretary-General in August and September 2016. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence had visited Sri Lanka four times since early 2015 at the invitation of the Government. Sri Lanka had engaged in the second cycle of the universal periodic review in November 2012 and would participate in the third cycle in November 2017.

15. In line with Human Rights Council resolution 30/1, the Government had embarked on a process to ensure the right to truth, justice, reparation and guarantees of non-recurrence. A secretariat for the coordination of reconciliation mechanisms was working to provide adequate training and capacity-building, and a task force consisting entirely of civil society representatives had been appointed to seek the views of the public concerning the design of such mechanisms. The task force had completed its work and would hand its report to the President and the Prime Minister later that month.

16. The Government continued to engage constructively with the human rights treaty bodies and to welcome visits by special procedures mandate holders. Visits had been conducted by the Special Rapporteur on the human rights of internally displaced persons in December 2013, the Special Rapporteur on the human rights of migrants in May 2014, the

Working Group on Enforced or Involuntary Disappearances in November 2015 and the Special Rapporteur on minority issues in October 2016. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression would visit in the first quarter of 2017.

17. On 25 May 2016, Sri Lanka had ratified the International Convention for the Protection of All Persons from Enforced Disappearance. On 11 August 2016, Parliament had passed legislation creating the Missing Persons Office, and steps had been taken to allocate funds to the Office in the 2017 budget. In its efforts to deal with missing persons, the Government was working closely with the United Nations system, international experts and the International Committee of the Red Cross (ICRC).

18. The former Special Rapporteur on torture, Mr. Juan Méndez, and the Special Rapporteur on the independence of judges and lawyers, Ms. Mónica Pinto, had undertaken a joint visit to Sri Lanka from 29 April to 7 May 2016. Mr. Méndez, who had visited numerous police stations, detention facilities and military camps throughout the country, had stated that he and his team had been granted unrestricted access to all places of detention and to detainees for the purpose of private interviews.

19. In July 2016, the Ministry of Law and Order had established a committee to examine allegations of torture and to take appropriate preventive measures. The committee's members included experts on torture prevention, senior police officers, and representatives of the Bar Association and the Attorney General's Office.

20. At the 2016 United Nations Pledging Conference for Development Activities, the Government, adhering to its policy of positive engagement with the United Nations, had announced its voluntary contributions for 2017, which included a token contribution of US\$ 5,000 to the United Nations Voluntary Fund for Victims of Torture.

21. **Mr. Jayasuriya** (Sri Lanka) said that his delegation looked forward to having a fruitful dialogue with the Committee and to hearing about best practices, particularly with regard to raising awareness of the fight against torture and obtaining relevant technical assistance.

22. **Mr. Bruni** (Country Rapporteur) said that he wished to commend the Government for making the declaration under article 22 of the Convention and to know whether it intended to ratify the Optional Protocol to the Convention.

23. He asked whether the authorities were monitoring implementation of the directives issued to the armed forces and the police requiring them to ensure that the fundamental rights of persons deprived of their liberty were respected and that such persons were treated humanely. The delegation should state whether officers who disobeyed the directives were punished appropriately and whether there had been an assessment of the activities carried out by the committee established in July 2016 to examine allegations of torture.

24. It would be useful to know whether the judicial mechanism to combat impunity for human rights violations that was mentioned in paragraph 7 of the State party's report had been set up. If it had, he would appreciate a description of its activities, accomplishments and coordination with the committee to examine allegations of torture. In that connection, he invited the delegation to comment on the assertion made in 2016 by the former Special Rapporteur on torture that both old and new cases of torture continued to be surrounded by total impunity.

25. He asked how the information provided in paragraph 12 of the State party's report, according to which there had been 30 cases of alleged torture attributed to the police between 2011 and 2014, could be reconciled with the statement made by Freedom from Torture in its alternative report to the Committee that it had completed medico-legal reports in relation to 279 cases of torture in Sri Lanka since the end of the conflict in May 2009.

26. He wished to know why there was a lack of specific information in the State party's report on the prosecution and sentencing of public officials accused of torture. In that regard, he would welcome recent, concrete examples of prosecutions and, in particular, sentences. He would also be grateful for details of the outcome of the 15 cases of alleged torture referred to in paragraph 4 of the State party's response to the Committee's previous concluding observations (CAT/C/LKA/CO/3-4/Add.1).

27. He requested the delegation to elaborate on the abduction and murder of Mohammad Siyam, which was referred to in the State party's replies to the list of issues (CAT/C/LKA/Q/5/Add.1). The delegation should indicate whether Mr. Siyam had been subjected to torture, and respond to the statement by the Special Rapporteur on torture that, up to May 2016, not a single conviction for torture had been handed down under Act No. 22 of 1994.

28. Although a hotline had been introduced by the National Human Rights Commission for the public to make complaints regarding unlawful arrest, detention or torture, he noted that, according to the Commission itself, the effectiveness of the hotline was hampered by the fact that, even when complaints were received, visits to police stations or prisons could not be conducted immediately owing to various administrative and logistical factors. He would like to hear the delegation's thoughts on the matter and to know what follow-up had been given by the Attorney General's Office to the complaints of torture received by the Commission between 2010 and 31 August 2016.

29. He wished to know whether the directives issued by the National Human Rights Commission in May 2016 had been fully implemented and whether the police were adequately qualified to undertake relevant investigations. The Special Rapporteur on torture had indicated that torture remained a common practice in criminal investigations, especially in the context of counter-terrorism; the Committee would like the delegation to comment on those findings, which were supported by forensic evidence. It would be useful to know what stage had been reached in the process of amending the Code of Criminal Procedure to strengthen the rights of detainees. In a letter to the Prime Minister on 21 September 2016, the National Human Rights Commission had expressed grave concern that the bill to amend the Code of Criminal Procedure would deprive suspects of access to legal counsel before their statements had been recorded, would adversely impact constitutionally guaranteed rights and would hinder government efforts to prevent torture. He invited the delegation to comment on the position taken by the Commission.

30. The Committee would welcome clarification on the time frame, under ordinary law, within which a detainee must be brought before a judge. The Special Rapporteur on torture had encountered several inmates who had spent 10 years in remand imprisonment, and had also noted the continued practice of prolonged detention without trial, which appeared to violate national legislation. The Committee would like the delegation to comment on the findings of the Special Rapporteur and to provide further information in that regard. Noting that, contrary to the statement made in the replies to the list of issues, NGOs had reported the continued existence of secret detention centres and torture camps, he would like to know whether an outcome had been reached in the investigation into the alleged secret detention centre at the Navy Camp in Trincomalee.

31. It would be helpful to know whether the Government was considering making a declaration under article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance recognizing the competence of the Committee on Enforced Disappearances to receive and consider communications, similar to its declaration under article 22 of the Convention against Torture. The Committee also wished to know whether any further progress had been made towards the adoption of legislation criminalizing enforced disappearance. It would appreciate details of follow-up measures taken in response to the recommendations contained in subparagraphs 78 (d), (e) and (f) of

the report of the Working Group on Enforced or Involuntary Disappearances with regard to the criminalization of enforced disappearance, the repeal of the Prevention of Terrorism Act, and the review of the Assistance to and Protection of Victims of Crime and Witnesses Act. In addition, the Committee would like to know what stage had been reached in the investigations into the disappearance of the journalist Prageeth Eknaligoda, whether the nine arrested suspects were members of the army or another security force, and on what charges the suspects had been arrested.

32. More information would be welcome on the precise nature of the rehabilitation programme and on the criteria used by the Attorney General when deciding between prosecution and rehabilitation, and when determining whether rehabilitation had been successfully completed, in particular under the Prevention of Terrorism Act. According to the International Truth and Justice Project, 10 of the 48 sites that had been identified by the organization as sites where torture had occurred or which had been used as transit points to torture locations between 2009 and 2015 were rehabilitation camps. The Committee would like to know whether the delegation could confirm that statistic, and also as how many allegations of torture and ill-treatment during rehabilitation had been registered by the authorities and whether those allegations had been investigated. It also wished to know whether humanitarian institutions had access to the former combatants who were presently undergoing rehabilitation under the Prevention of Terrorism Act.

33. A number of NGOs had raised concerns about the bill intended to replace the Prevention of Terrorism Act, noting that the text defined terrorism-related offences in very broad terms, that it would enable low-ranking police officers to obtain private information without judicial authorization and that it would provide for an excessively long maximum period of remand custody. The Committee would like the delegation to comment on those concerns, to indicate whether the bill was fully consistent with international standards, and to provide further information on its content. More specifically, it would like to know whether the definition of the scope of terrorism in the bill was in line with international standards; whether the bill contained clear safeguards against arbitrary arrest and detention and against torture and ill-treatment; what time frame it stipulated for the presentation of a detainee before a judge; whether it provided for access to legal counsel prior to the recording of statements; whether it introduced the use of video or audio recording of interrogations; and whether it provided for effective oversight of any form of detention by the judiciary.

34. He would like to know what stage had been reached in the amendment of the Prison Ordinance and the consideration of the New Prison Administration Bill, and what had been achieved by the programme that had been set up to reduce prison overcrowding. He asked when the relocation of Welikada prison would take place and how that would improve prison conditions. He invited the delegation to comment on the findings of the Special Rapporteur on torture concerning poor conditions and overcrowding in prisons. Lastly, according to the National Human Rights Commission, 29 suspects had died in police custody since 2010; he would like to know whether inquiries had been made into those deaths and whether the Government intended to establish an independent investigation unit within the police department, as recommended by the Commission.

35. **Ms. Gaer** (Country Rapporteur), noting the disparity between the statistics on torture provided by the State party and those provided by the National Human Rights Commission and civil society, and also the reports of pervasive impunity and serious shortcomings in State party institutions, asked what the Government was doing to address the reluctance of victims and their families to file complaints for fear of intimidation, harassment, arbitrary arrest or further torture. She would like to know whether it was considering amendments to the Protection of Victims of Crime and Witnesses Act to make the recommendations of the Police Victim and Witness Protection Division binding and to

ensure that the Division was an autonomous entity independent from the rest of the police force, in order to reduce the risk of retaliation. With regard to the draft amendment on the submission of evidence by persons currently outside Sri Lanka, which would be a welcome development, she would like to be informed of the projected time frame for its adoption and of any measures taken by the Government to protect and accommodate persons who were fearful of presenting evidence in government facilities such as missions and embassies.

36. The Committee continued to receive reports of harassment and arbitrary detention of human rights defenders, including Mr. Ruki Fernando, Ms. Rankothge Mauri Inoka Kumari Jayasena and members of the Working Group on Enforced or Involuntary Disappearances. She wished to know whether the Government had investigated the claims made in those cases and whether any disciplinary sanctions had been imposed as a result. The delegation should provide the Committee with assurances that the Government upheld the legitimacy of human rights monitoring and was committed to ensuring that persons who submitted information to the Committee at its present session would not be subjected to any form of reprisals.

37. Noting the need for an effective official complaints mechanism to deal with allegations of torture in the State party, she wished to receive data on the number of cases of torture which were in the process of being considered and to learn whether the National Police Commission was responsible for the investigations of the 150 complaints of torture referred to in the replies to the list of issues. Why had investigations been completed in the case of only 24 of the 170 officials involved?

38. The delegation should provide clarification on the relationship between the National Police Commission and the Special Investigations Unit. It would be useful to receive information on the 12 cases that the Special Investigations Unit had helped to bring before the High Court, and on the number of cases the Unit had filed against police officers between 2014 and 2016. Was the Prosecution of Torture Perpetrators Unit still active? If so, the delegation should specify how many prosecutions the Unit was presently conducting. If that Unit was not functioning, the Committee would like to know which body advised the Special Investigations Unit.

39. Was the State party taking any steps to address the concerns expressed by United Nations experts that the Attorney General's Office was not institutionally capable of prosecuting torture cases because of an inherent conflict of interests? The delegation should explain what was being done to ensure that the Attorney General's Office acted affirmatively, rather than waiting for the police to file complaints before taking action.

40. The Committee would appreciate an explanation of why there was a large difference between the number of complaints of torture received by the National Human Rights Commission and the number of investigations conducted. Although the replies to the list of issues indicated that the authorities had no record of complaints of torture in the cases of Jeevandarage Ashan Tharanga, W.T. Presley Fernando, and H.M. Ajith and H.M. Akila, all three cases had been reported to the Commission and information on them was widely available on the Internet. The Committee urged the State party to consider opening investigations into those three cases. What steps did the Government intend to take to ensure that cases reported to the Commission would be investigated by the authorities?

41. She invited the delegation to respond to allegations of sexual violence and abuse committed by State agents during the post-conflict period, including the violence described in the March 2015 report of the Secretary-General on conflict-related sexual violence (S/2015/203). Had the State party prosecuted any members of the security forces for sexual violence against members of the Tamil community in the post-conflict period?

42. The delegation should provide updated information on progress in the 39 cases of sexual violence perpetrated by military personnel that the Government had acknowledged

in 2014. In relation to allegations of torture and ill-treatment by the Criminal Investigation Division and the Terrorism Investigation Division during the interrogation of persons held in the Manik Farm camp and the Vavuniya facility in the aftermath of the conflict, she wished to know whether the interrogations had been carried out in collaboration with military intelligence and what steps had been taken at the time the allegations had been received. She also wished to receive information on the measures being taken to improve the effectiveness and impartiality of the investigation into the alleged secret detention centre at Trincomalee. Had other secret places of detention existed? How had the Government put a stop to their use? The Committee had received reports during 2016 of persons being detained by the Terrorism Investigation Division in unofficial places of detention and of so-called “white van abductions”, while the report of the United Nations High Commissioner for Human Rights investigation on Sri Lanka had found that sexual violence against detainees was widespread in the State party. Had the Government investigated any of those allegations? Had any charges been brought for such offences committed during the post-conflict period?

43. Referring to allegations of sexual abuse by Sri Lankan peacekeeping personnel in Haiti between 2004 and 2007, she wished to know the names of the 134 military personnel who had been implicated and the disciplinary measures that had been imposed on them, in particular those who had been implicated in the abuse of children. Given that the State party intended to send peacekeepers to Mali in the near future, the delegation should explain the measures taken to vet the soldiers who might participate in that mission so as to ensure that they had not been accused of sexual violence in the State party or in Haiti.

44. The Committee would be grateful for additional information on progress made in investigating the deaths of P.H. Sandun Malinga in 2014 and of the four suspects arrested in connection with the killing of a police officer and his wife at Kamburupitiya in 2013.

45. It would be useful to learn whether the Government intended to establish a unit to investigate deaths in custody and whether it planned to enable doctors to refer suspected cases of torture to judicial medical officers. She also wished to know whether any training programmes existed for police officers on non-coercive investigation techniques. If so, did the programmes specifically cover the Convention and the Istanbul Protocol?

46. The delegation should indicate the measures the State party was taking to provide compensation and rehabilitation to victims of torture and clarify whether the Victims of Crime and Witnesses Assistance and Protection Fund had been established. Did the Government allocate resources to enable NGOs to provide psychosocial support to victims of torture?

47. The Committee wished to learn whether the Government planned to remove the provision in the Prevention of Terrorism Act which allowed for out-of-court confessions to be used against defendants.

48. The delegation should indicate how many people were still housed in the welfare centres in Jaffna, Vavuniya and Trincomalee. Had ICRC been allowed to visit the Poonthottam facility? The Committee would be grateful for data on the 12,169 ex-combatants who had completed the rehabilitation programme, disaggregated by sex, age and facility. It also wished to learn whether any investigations had been conducted into allegations of torture, sexual violence and enforced disappearances at the welfare camps.

49. An update would be welcome on progress made in establishing the Judicial Mechanism with a Special Counsel. The delegation should confirm that the Government was not contemplating an amnesty for persons accused of torture in return for information. Additional details would be welcome on why progress in the Trincomalee and Action Against Hunger cases had been severely delayed. The Committee also wished to receive an update on the establishment of the Reparations Office and the Missing Persons Office.

50. **Ms. Pradhan-Malla** said that she wished to know whether the National Human Rights Commission had made any recommendations on improving conditions in places of custody and, if so, whether they had been implemented. She would also like to hear how the Commission was dealing with the backlog of cases of alleged torture. The delegation should provide an update on any changes to the procedure for issuing immigration clearance to refugees returning to the State party following the end of the conflict. Details would also be welcome on the number of women and men held in detention, and the facilities in place to take account of the needs of female detainees. The Committee would be interested to learn whether the Government intended to amend legislation on abortion in order to allow exceptions in cases of rape or incest.

51. The Committee was concerned that it had not been provided with data on trafficking in persons, that child victims of trafficking had been detained alongside juvenile offenders and that victims of trafficking had reportedly been arrested on a number of occasions. What risk assessments were conducted prior to the deportation of foreign victims of trafficking? Had consideration been given to alternatives to their deportation?

52. **Mr. Heller Rouassant** said that he would be grateful for specific examples of measures taken to ensure the implementation of recommendations made by the National Human Rights Commission. In addition, information on recruitment practices within the security forces would be appreciated. Were efforts being made to integrate members of minority groups, including Tamils, into the security forces? Lastly, it would be helpful to know what measures had been planned to put an end to the persistent climate of fear in the State party.

53. **Mr. Hani** asked what measures the Government had taken or planned to take to ensure that all allegations of torture were investigated, whether a coordination mechanism had been put in place to facilitate the investigation of allegations of torture reported by civil society and whether a system had been set up to receive complaints from victims. He also wished to know whether the National Human Rights Commission had the authority to conduct unannounced visits to places of detention and whether a system had been set up to coordinate the implementation of its recommendations.

54. More information on the organization of training programmes on the prevention of torture would be welcome. He wished to know whether there were any plans to implement the recommendations made by the former Special Rapporteur on torture, Mr. Juan Méndez, in his report on the investigation of allegations of torture. With regard to the principle of non-refoulement, had a system been put in place to enable the evaluation on a case-by-case basis of the risk of torture after deportation? Were there any plans to ratify the 1951 Convention and the 1967 Protocol relating to the Status of Refugees? Lastly, additional information on conditions on death row would be welcome.

55. **Ms. Belmir** requested more information on the role played by the Constitutional Council in the nomination and appointment of judges. She would be grateful if the delegation could comment on reports that police officers who had reached a certain rank had the power to determine the veracity of statements and confessions made by suspects. With regard to the provisions for arrest without a warrant in the Code of Criminal Procedure, she would welcome clarification of the powers of the police. In addition, she asked whether the age of criminal responsibility had been raised from 8 years and what measures had been taken to support unaccompanied children who had been displaced. Lastly, what was the status of paramilitary groups?

56. **Mr. Zhang** said that he would be grateful for information on persons who had been associated with the Liberation Tigers of Tamil Eelam, had fled Sri Lanka and had subsequently been returned to the country. Had any laws or policies concerning such persons been adopted since 2009? How had such persons been dealt with?

57. **The Chair** asked how many cases of torture had been identified during the routine medical examinations mentioned in paragraph 56 of the State party report and how many of those cases had been investigated. Were persons held in custody permitted to request additional medical examinations? How frequently did magistrates and judges request medical examinations?

58. He wished to know whether patients who had undergone a medical examination were able to request copies of their medical reports, even if those reports had not been sent to the courts. Did the publication of medical reports sent to the courts not risk undermining medical confidentiality? Clarification of the presence of doctors within prisons was needed. If doctors were not present in prisons and prisoners had to be taken to an external facility to receive medical attention, were prison officers required to evaluate the urgency of each case?

59. He invited the delegation to comment on the outcomes of the National Action Plan for the Promotion and Protection of Human Rights, which had recently come to an end. What targets would be set in the next such plan and would it include a time frame for the disbandment of secret detention centres?

60. **Mr. Bruni** said that he wished to know whether a mechanism had been established to receive and examine complaints submitted by asylum seekers and refugees who claimed to have been subjected to torture in another country. Was the principle of non-refoulement respected in such cases? In that connection, the delegation should clarify whether the principle of non-refoulement had been enshrined in law. He would be grateful for information on any measures planned to ensure that the detention of asylum seekers and refugees was used only as a measure of last resort and for as short a period as possible. Lastly, the Committee wished to learn of any plans to ratify the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

61. **Ms. Gaer** said that she wished to draw attention to the Committee's general comment No. 3, which dealt with the issue of redress. In that connection, she would be grateful if the delegation could comment on reports that, owing to delays in the justice system, habeas corpus applications were an ineffective means of challenging the lawfulness of detention. Could the delegation provide any statistics on such applications? It would be useful to learn whether the procedure for bringing cases of torture before the Supreme Court was subject to any restrictions. She would also appreciate information on the provision of forms of redress other than compensation, either in law or in practice, and wished to know whether a special mechanism for remedies would be set up within the framework of the transitional justice process.

62. She would be grateful if the delegation could comment on reports that suspects had been forced to sign incriminatory statements on blank sheets of paper or in languages they did not understand. Had any such reports been investigated? With regard to the establishment of the inadmissibility of evidence obtained through torture, it was her understanding that the burden of proof lay on the accused person. She wished to know whether the burden of proof would be shifted to the prosecuting authorities within the legal framework of the new law on national security. Further information was needed on the admissibility in court of statements and confessions made to police officers; although they were inadmissible under the Evidence Ordinance, they appeared to be admissible in certain cases. Was it true that complaints of torture and ill-treatment against law enforcement officials would continue to be investigated by the Special Investigations Unit and how would the independence of investigations be guaranteed in the future?

63. She asked whether reports that military facilities, including facilities in Jaffna, Mullaitivu, Kilinochchi and Batticaloa, had been used for the purposes of detention and

torture had been investigated. In that connection, what efforts had been made to identify perpetrators and victims?

64. **Mr. Hani** said that, according to the information provided in paragraph 28 of the addendum to the State party report (CAT/C/LKA/5/Add.1), a person could be detained under the Prevention of Terrorism Act (No. 48) of 1979 for up to 18 months without charge. Were there any plans to reduce the maximum period of detention?

The meeting rose at 1 p.m.