



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances Twenty-ninth session

Summary record of the 548th meeting*

Held at the Palais Wilson, Geneva, on Friday, 26 September 2025, at 10 a.m.

Chair: Mr. Albán-Alencastro

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The meeting was called to order at 10 a.m.

Solemn declaration by the newly elected members of the Committee *(continued)*

1. In accordance with rule 11 of the Committee's rules of procedure, **Mr. Bambara** made the following solemn declaration:

"I solemnly declare that I shall perform my duties and exercise my powers as a member of the Committee on Enforced Disappearances independently, objectively, honourably, faithfully, impartially and conscientiously."

Consideration of reports of States Parties under article 29 (1) of the Convention
(continued)

Initial report of Sri Lanka ([CED/C/LKA/1](#); [CED/C/LKA/Q/1](#); [CED/C/LKA/RQ/1](#))

2. *At the invitation of the Chair, the delegation of Sri Lanka joined the meeting.*
3. **The Chair**, welcoming the delegation of Sri Lanka to the meeting, explained that some members of the delegation would be participating via video link.
4. **A representative of Sri Lanka**, introducing his country's initial report ([CED/C/LKA/1](#)), said that, as a State Party to all nine core international human rights treaties, Sri Lanka had demonstrated its unwavering commitment to human rights through decades of engagement with the United Nations. In recent years, it had participated in the universal periodic review process of the Human Rights Council and engaged with the Human Rights Committee and the Committee on the Elimination of Discrimination against Women. In June 2025, the United Nations High Commissioner for Human Rights had undertaken a visit to Sri Lanka, where he had met with a broad cross section of stakeholders and visited the Chemmani gravesite, currently being excavated under judicial oversight.
5. Sri Lanka was a multi-ethnic, multi-religious country where different peoples had lived in peace and harmony for centuries. However, since regaining its independence in 1948, Sri Lanka had experienced a long conflict, marked by terrorism; periods of political and civil unrest; and natural disasters such as the 2004 Indian Ocean tsunami. The current Government, elected in 2024, was committed to introducing a new political culture in which racism, extremism and corruption were addressed robustly and the rule of law was applied equally to all. Democratic institutions were being strengthened in order to enhance public trust and political, economic and social stability. The Government was committed to ensuring that reconciliation mechanisms, established to address challenges emanating from the conflict, could continue to work independently.
6. During the period under review, from 2017 to 2023, no cases of enforced disappearance had been reported in Sri Lanka. Even prior to the entry into force of the Convention, the country had maintained a long-standing practice of investigating complaints of disappearances. Successive Governments had sought to address the issue through the establishment of dedicated national mechanisms, including several commissions of inquiry mandated to receive complaints, investigate cases and recommend appropriate action.
7. Article 17 of the Constitution guaranteed the right of all persons to seek relief from the Supreme Court in the event of the infringement or imminent infringement, by executive or administrative action, of a fundamental right. The International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018, had given effect to and operationalized the Convention. The Act prohibited enforced disappearance and did not allow for justifications or mitigating circumstances. Section 23 provided that the Act would prevail in the event of any inconsistency or conflict with other written laws. The Government was working to introduce new counter-terrorism legislation, and the drafting of a bill aligned with international standards and best practices was at an advanced stage. It was expected that the bill would soon be adopted and the Prevention of Terrorism Act would be repealed.
8. The Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016, had been enacted in response to a situation in which people had disappeared as a result of abduction or in connection with the conflict, political unrest or

civil disturbances. The Act recognized that relatives of missing persons were entitled to know the circumstances of the disappearance and the fate and whereabouts of the missing person. In 2018, the Office on Missing Persons had been established as the State institution responsible for clarifying the fate and whereabouts of missing and disappeared persons. The Office was empowered to take all measures to search for and trace missing persons, protect the rights and interests of missing persons and their families and ensure non-recurrence. Its mandate also encompassed the investigation of the circumstances of the disappearance; the issuance of recommendations for redress and protection; the development and maintenance of a centralized database; and support for families. It drew on technical support from academia, the International Committee of the Red Cross (ICRC) and other partners, and its victim-centred approach to public engagement and decision-making had earned it public trust. To date, the Office had traced 23 missing persons, issued certificates of absence and made referrals to the Office for Reparations.

9. Sri Lanka had a strong and vibrant governance structure and an independent judiciary. The Human Rights Commission of Sri Lanka, a national human rights institution accredited with A status by the Global Alliance of National Human Rights Institutions, was mandated to investigate fundamental rights violations and to monitor places of detention, including by conducting unannounced visits to police stations, prisons and childcare facilities. Attorneys-at-law had the right to meet with detained persons and to make representations on their behalf, while detained persons had the right to communicate with their relatives.

10. The Government continued to strengthen domestic reconciliation mechanisms, including the Office for Reparations and Office for National Unity and Reconciliation, by guaranteeing their independence and allocating the necessary resources. It was drafting a national policy and action plan on reconciliation, with the support of the United Nations country team, and was working to establish an independent public prosecutor's office.

11. The Government was conscious of the immense impact of enforced disappearances on victims' families in all parts of the country, and it sought to ensure that their voices were heard, acknowledged and respected. For that reason, it was working to introduce a new compensation system that would provide them with long-term support, including fair financial compensation, opportunities for vocational education and livelihoods, and health and psychosocial care. By ensuring transparency and accountability, the authorities sought to heal wounds, build trust and foster national reconciliation.

12. **Mr. de Frouville** (Country Rapporteur) said that Sri Lanka had been afflicted by successive waves of enforced disappearances, in 1971, 1987–1989, 2002 and the later stages of the bloody conflict that had ended in 2009. Communities throughout Sri Lanka continued to suffer the consequences of those disappearances, and there had been allegations that the practice of enforced disappearance persisted. Over the previous 10 years, various United Nations human rights mechanisms had adopted resolutions or published reports on Sri Lanka, notably the 2015 investigation report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) ([A/HRC/30/CRP.2](#)). The Government had implemented many recommendations and had taken positive steps, including the ratification of the Convention in 2016, the adoption of Act No. 5 of 2018 and the establishment of the Office on Missing Persons. However, many recommendations had not been implemented and other problems had arisen.

13. The accreditation with A status of the Human Rights Commission of Sri Lanka was a welcome development. In that regard, he wished to know whether the State Party planned to implement the recommendations of the Subcommittee on Accreditation concerning the Commission's functional independence and financial autonomy and the appointment of its members. It would be useful to know whether any steps were envisaged to enshrine the Commission's visiting mandate in law.

14. In addition, he would be interested to know whether the State Party had consulted the families of victims of enforced disappearance and civil society organizations during the drafting of the report and the replies to the list of issues ([CED/C/LKA/RQ/1](#)), and, if so, what method it had used. He would also like to know whether the State Party intended to make the declarations provided for in articles 31 and 32 of the Convention, which related to the Committee's competence to receive and consider individual and inter-State communications.

15. The Committee noted that the Office on Missing Persons had reported 16,966 complaints, although many sources believed the true number of enforced disappearances in Sri Lanka to be higher than 100,000. It also noted that the Working Group on Enforced and Involuntary Disappearances had recorded 12,664 cases of missing persons and victims of enforced disappearance, about half of which had been “clarified”. He was curious to know what criteria had been used to clarify those cases. He wondered to what extent the lack of clarity regarding the number of victims was due to the lack of a centralized database or to the problem of underreporting. As the State Party had been unable to specify the number of persons who might have been subjected to enforced disappearance within the meaning of article 2 of the Convention, or the number of persons who might have been subjected to the acts referred to in article 3, he wished to know what steps the State Party had taken to introduce categories of disappearance aligned with the Convention. It would be useful to know what criteria the authorities used to distinguish cases of enforced disappearance within the meaning of article 2 from other types of disappearance that were brought to their attention. Furthermore, in the absence of disaggregated statistical information and in the light of claims that enforced disappearances affecting the Muslim population were underreported, he wished to know whether the State Party had identified any trends in terms of the communities of origin of victims of enforced disappearance. He would also like to know whether the authorities proactively engaged in investigations in order to identify cases, or relied on complaint mechanisms alone. He would be interested to know whether the Office on Missing Persons compiled, consolidated and cross-checked data collected by different authorities and whether, in the event of the discovery of a mass grave, it cross-checked the findings of DNA analyses with the names of missing persons listed in databases. It would be interesting to hear about any initiatives to share the information obtained from such analyses with other States, such as those in which family members might be living, in the framework of international cooperation.

16. It was unclear to the Committee whether any cases involving the offences set forth in Act No. 5 of 2018 had yet come before the courts. He would be interested to know why the Act made no mention of war crimes or crimes against humanity, as the historical cases of enforced disappearance in Sri Lanka had been described as such, including in the OHCHR investigation report of 2015. He wondered whether the Government had considered the recommendation contained in that report to establish a hybrid court to try war crimes and crimes against humanity.

17. Noting that the Sri Lankan courts had established a body of case law recognizing the obligation of subordinates not to follow illegal orders, he said he would like to know whether subordinates who had carried out such orders could invoke them in their defence or as a means of escaping criminal liability, and whether subordinates who refused to follow illegal orders received the protection of the law. While Act No. 5 of 2018 established the criminal responsibility of superiors who knew that subordinates under their authority were committing an enforced disappearance, it did not criminalize those who “should have known”. He wondered whether the State Party had considered incorporating that higher standard into its national legislation.

18. **Ms. Villa Quintana** (Country Rapporteur) said that she wished to know what legal basis there was for the State Party’s assertion, in paragraph 84 of its report, that the statute of limitations in respect of enforced disappearance would not apply until the person concerned was no longer deprived of liberty or until the deprivation of liberty was acknowledged, and whether there were any precedents to corroborate that assertion. She wished to know, too, whether consideration had been given to bringing the State Party’s legislation into line with article 8 of the Convention, how section 20 of the Enforced Disappearance Act was related to the determination of the period of limitation and what remedies were available to victims of enforced disappearance to enable them to exercise their rights prior to the expiry of the period of limitation.

19. She would welcome an explanation of how the State Party exercised jurisdiction over an offence of enforced disappearance committed abroad when the alleged offender was present in the territory under its jurisdiction and the offence was not punishable in the State where it was committed. An indication of the practical form taken by the guarantees set out in section 7 of the Enforced Disappearance Act, including the right of foreign nationals

arrested for offences under the Act to communicate with the consular authorities of the State of which they were nationals, would also be welcome.

20. She wondered what judicial or administrative measures were taken concerning a preliminary inquiry or investigation to establish the facts of a suspected case of enforced disappearance. In particular, she wished to know which authority initiated the preliminary inquiry or ordered a suspect into custody and what measures other than pretrial detention could be taken to ensure that suspects did not abscond. In that connection, it would be useful to know how long a person could be kept in pretrial detention and whether an alleged perpetrator of a case of enforced disappearance had ever been detained or extradited.

21. She would welcome an explanation of exactly what facts had been looked into by the Court of Inquiry referred to in paragraph 99 of the State Party's initial report and what the outcome of the Court's inquiries had been. She also wished to know why any alleged offenders identified by the Court were tried by a court martial.

22. She wondered what steps had been taken to ensure that alleged perpetrators of enforced disappearances could not escape justice, including, for example, whether there were laws barring such persons from being appointed to high-level posts in the diplomatic service or the police. She wondered, too, how many cases of enforced disappearance had been heard in the State Party's courts before the entry into force of the Convention and the Enforced Disappearance Act and how the courts had ruled in those cases.

23. In view of the reluctance of the Ministry of Defence to identify service members allegedly implicated in cases of enforced disappearance, she wished to know what was being done to facilitate access to documents and files in the possession of the armed forces and the police. In particular, she wished to know what the penalties were for refusing to provide such access and what measures were being taken to ensure that service members of all ranks were held to account.

24. She wondered what measures were being taken to ensure that all persons, including members of the Tamil community, could report disappearances to the police without fear of reprisal. She also wondered whether the police took action as soon as they were made aware of a possible case of enforced disappearance, even in the absence of a formal complaint, and what immediate actions they took. It would be interesting to know, in addition, how long a comprehensive and impartial police investigation into a case of enforced disappearance took and whether there were established channels through which the police, including the Inspector General, provided updates on their investigations. An indication of what was done to ensure the impartiality of the Attorney General's Department, which was responsible both for prosecutions and for the legal defence of the Government, would likewise be welcome.

25. She wished to know what action had been taken in follow-up to the letters sent to ministries by the Human Rights Commission of Sri Lanka noting that its recommendations had not been implemented; how the authorities, including the police, that received reports of cases of enforced disappearance divided their functions and coordinated their work; and whether the Criminal Investigation Department could open an investigation without having to wait for a formal complaint from a victim. She would be grateful, too, for comments on how the possible links between the authorities and criminal networks implicated in the disappearance of migrants were investigated, what measures had been adopted to deal with irregular migration and transnational organized crime, and what regional and international cooperation mechanisms had been set up to prevent cases of disappearance in the context of trafficking in persons and people smuggling. It would, in addition, be helpful to have disaggregated data on migrants who had died or disappeared, as well as information on mechanisms for the submission of complaints and on training and capacity-building programmes for migration officials and the police.

26. **Ms. Lochbihler** said that she wondered what measures were being taken to build trust in the Office on Missing Persons, what the increase in the funds set aside for the compensation of victims would mean for the Office's ability to conduct investigations and what, in general, was being done to build the Office's capacity. She also wondered what action was being taken to investigate the so-called "Navy 11" disappearance cases dating back to 2008 and the allegations of a former soldier regarding the culpability of the army in

relation to the mass grave in Chemmani, and why a journalist who had been looking into the allegations had reportedly been questioned for hours by counter-terrorism officials.

The meeting was suspended at 11.05 a.m. and resumed at 11.20 a.m.

27. **A representative of Sri Lanka**, noting that, in his country, it was necessary to adopt legislation to give effect to the international instruments it had ratified, said that the Convention had been transposed into national law upon the adoption and entry into force of the Enforced Disappearance Act. The Act was complemented by other relevant laws, including, for example, the Office for Reparations Act, No. 34 of 2018. In the preamble to the Office on Missing Persons Act, No. 14 of 2016, it was acknowledged that people in Sri Lanka had gone missing in a wide range of circumstances, including in connection with armed conflict, political unrest and civil disturbances. Before effect had been given to the Convention in national law, the perpetrators of offences now treated as enforced disappearance had been prosecuted for wrongful restraint, abduction and other such criminal offences.

28. In his country, no one could be arrested unless there was a reasonable suspicion that he or she had committed an offence. If there was no reasonable prospect of conviction, an indictment would not be brought. In a court of law, a defendant's guilt had to be proved beyond a reasonable doubt. Committee members should keep those points in mind in formulating their questions.

29. The contributions to his country's initial report that had been made by some agencies – the Office on Missing Persons, for example – had been informed by their engagement with civil society organizations. Appointments to the Human Rights Commission, which was an independent body, were made by the President on the recommendation of the Constitutional Council, and its funding was allocated by Parliament. Pursuant to section 15 (8) of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, if no action was taken in follow-up to the Commission's recommendations, a full report of the facts was made to the President, who was required to bring the report to the attention of Parliament. In addition, under a circular in effect since 2005, all State agencies were required to endeavour to give effect to the Commission's recommendations. In the Human Rights Commission of Sri Lanka Act, provision was made for the punishment of offences of contempt committed against, or in disrespect of, the Commission's authority.

30. **A representative of Sri Lanka** said that the Office on Missing Persons, which had been established in 2018, had taken over the files of seven commissions to which reports of missing persons had previously been made. In reviewing the files, the Office had identified a number of multiple entries, with the result that the number of missing civilians reported by the Office had been reduced to just under 17,000. At all events, the Office, which had made investigating more recent cases of disappearance a priority, had partnered with other institutions to develop a more reliable and more comprehensive database.

31. Some 93 per cent of the missing persons for whom the Office had records were male, and men in the 19–35 age range accounted for a third of all missing civilians. A provisional list of missing persons, searchable by district but not by the missing person's ethnicity, had been translated into local languages and made available to the public in 2018. The list had been updated in 2022.

32. **A representative of Sri Lanka** said that his country had made the declaration provided for in article 32 of the Convention. With regard to the declaration under article 31, it should be noted that, in what was known as the *Singarasa* case, the Supreme Court had held that his country's ratification of the Optional Protocol to the International Covenant on Civil and Political Rights had been unconstitutional. Recognizing the competence of the Committee on Enforced Disappearances to receive and consider individual communications was thus not feasible. On 29 September 2025, however, the Supreme Court was scheduled to reconsider the constitutionality concerns that had been prompted by the Views of the Human Rights Committee in *Singarasa v. Sri Lanka* (CCPR/C/81/D/1033/2001).

33. Legislation passed during the reporting period ensured the right of monitors from the courts, lawyers and the next of kin of persons deprived of their liberty to visit places of detention. The Human Rights Commission of Sri Lanka, which had been designated as the

national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, was entitled to visit places of detention under section 11 (d) of the Human Rights Commission of Sri Lanka Act. An amendment to the Prevention of Terrorism Act passed in 2022 provided for judicial oversight of places of detention, including by means of visits, with a view to preventing torture, and included a number of provisions intended to enhance access to such locations. A similar amendment to the Code of Criminal Procedure providing for access to places of deprivation of liberty had been passed in 2021. The Office on Missing Persons Act empowered that Office to have access to places of detention in accordance with guidelines that had been published by the Ministry of Justice and National Integration. Any complaints of denial of access to places of detention could be addressed by the Supreme Court with reference to the Enforced Disappearance Act. The Supreme Court had recently issued a large number of judgments that had facilitated the exercise of such rights.

34. While the inadmissibility of orders received from a superior as justification for acts of enforced disappearance was ensured by section 23 of the Enforced Disappearance Act, which provided that the Act prevailed over all other written laws, their inadmissibility had already been recognized in Sri Lankan case law for almost 50 years.

35. **A representative of Sri Lanka** said that all investigations of mass graves in the country were carried out with judicial oversight and documented by the inquiring magistrate in a record that was available to the public.

36. **A representative of Sri Lanka** said that investigations of mass graves were conducted in accordance with the Code of Criminal Procedure, a standard operating procedure that had been developed by the Government and an ordinance on inquests into deaths. The Office on Missing Persons provided guidance on the identification, preservation and chain of custody of human remains, while respecting the exclusive investigative and judicial functions of the relevant national authorities. The procedures followed were informed by international best practices, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, which had been incorporated into the standard operating procedure. Investigations of mass graves at Chemmani, Mannar and other locations had been conducted with the involvement of qualified forensic experts, archaeologists and anthropologists. The families of victims had been consulted and regularly involved in the process. All 17 of the gravesites dealt with by the Office on Missing Persons had been discovered in the course of construction work. At some sites, including Chemmani, forensic experts had submitted reports based on the remains found, and the next step would be to carry out DNA tests in cooperation with ICRC. Investigations at other sites were at an earlier stage.

37. **A representative of Sri Lanka** said that the Ministry of Justice and National Integration had allocated sufficient funding to meet the needs of the investigations and would continue to do so.

38. **A representative of Sri Lanka** said that the police did not need to receive complaints to investigate cases of enforced disappearance, but could do so in response to any relevant information received, including through media outlets or social media. Complaints or information on enforced disappearance received by local police stations were normally referred to the Office of the Inspector General of Police, which, depending on the seriousness of the case, could then refer them to the Criminal Investigation Department. Most investigations of mass graves were carried out under the supervision of the Criminal Investigation Department or a similar special unit. In cases of enforced disappearance, priority was given to searching for any victims who might still be alive and to recording witness statements, after which such cases were referred to the courts. Any exhumations were carried out under judicial supervision. The Criminal Investigation Department always operated in an independent and impartial manner.

39. **A representative of Sri Lanka** said that some investigations of cases of enforced disappearance had been initiated on the basis of evidence discovered in the course of other investigations. Nishantha Ulugetenne, a former commander of the navy, had recently been arrested as a result of such an investigation.

40. **A representative of Sri Lanka** said that investigations of enforced disappearance were subject to judicial oversight to ensure that they were conducted in an impartial and proactive manner.

41. **A representative of Sri Lanka** said that, although the ongoing effects of the economic crisis and associated problems the country had experienced in 2022 had made it difficult to employ as many personnel as needed to investigate cases of enforced disappearance, the Government, members of which had personally experienced political violence in the past, had the political will to ensure that such cases were investigated. Efforts were currently being made in cooperation with the Office of the United Nations Resident Coordinator in Sri Lanka to resolve technical issues experienced by the Office on Missing Persons and build its capacities.

42. **A representative of Sri Lanka** said that the effects of the economic crisis, the coronavirus disease (COVID-19) pandemic and the emigration of skilled workers from the country had made it difficult for the Office on Missing Persons to recruit personnel with the necessary technical skills. A revised recruitment process aimed at filling 91 essential positions would be launched by the end of 2025 with a view to accelerating the tracing and investigation process. In line with its revised strategic road map, the Office had received increased funding for 2025, including a sum earmarked for investigations; additional allocations for the investigation of mass graves and laboratory work were normally received directly by the courts, while the Office for Reparations received a separate allocation for the Family Revival Payment. Despite past failures to implement recommendations regarding its operations, the Office on Missing Persons was confident that it would win greater public support by achieving positive results.

43. **A representative of Sri Lanka** said that section 456 of the Code of Criminal Procedure provided that no statute of limitations applied to the offences of murder or treason. Although there was no case law on the application of a statute of limitations to the offence of enforced disappearance, the Supreme Court had deemed violations of certain fundamental rights to constitute continuing violations to which the time limit of one month for invoking the jurisdiction of the Supreme Court did not apply.

44. The roles of the Attorney General as an adviser to the Government and as a prosecutor were performed separately. The Attorney General did not represent any members of the police, the armed forces or other members of the executive or administrative authorities who were accused of torture, but instead acted as an *amicus curiae* before the Supreme Court in such cases.

45. In response to the request for urgent action that the Committee had sent to Sri Lanka regarding the case of Kapila Kumara de Silva Gonapinuwalla, the Attorney General had directed the police to immediately begin investigations, which were now under way, and had indicated that further evidence was needed to establish whether the threshold for a *prima facie* case was met and there was a reasonable prospect of conviction. If those requirements were met, the Government would not hesitate to prosecute the alleged perpetrators. That would be the first case to be prosecuted under the Enforced Disappearance Act.

46. The Attorney General had filed an indictment before the High Court in the “Navy 11” case, but those proceedings had been stayed by the Court of Appeal in response to an application filed by one of the accused. The Attorney General, exercising his prosecutorial discretion, had taken the decision to continue proceedings against the rest of the accused, but they had challenged that decision before the Supreme Court, which would hold a hearing to determine whether the prosecutorial discretion of the Attorney General had been properly exercised. Both action and inaction on the part of the Attorney General were subject to judicial review, as evidenced by available case law, and he or she acted in an impartial and independent manner.

47. **Mr. de Frouville** said that he would appreciate more detailed information on the participation of non-governmental and other organizations in efforts to investigate cases of enforced disappearance. He wished to reiterate his earlier question on how the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions would be implemented in respect of the Human Rights Commission of Sri Lanka. He wondered whether the contempt procedure provided for under

the Human Rights Commission of Sri Lanka Act had been initiated in practice and what the results had been. Given that the Supreme Court appeared to have ruled that, in the country's dualist system, the State Party could not make the declaration under article 31 of the Convention unless it was authorized to do so by an act of Parliament, he wished to know whether the State Party intended to propose such an act.

48. He would like to know what the roles of the various commissions on enforced disappearance established by the State Party had been and, given that many of their recommendations for prosecution had not been acted upon, how effective they had been. It would be useful to know whether the Office on Missing Persons had, under section 12 (i) of the Office on Missing Persons Act, referred any suspected cases of enforced disappearance to the relevant authorities for investigation, and, if so, what the outcomes had been. He would be grateful to receive up-to-date statistics on the number of cases of enforced disappearance that had been heard by the courts and the number of convictions that had resulted. The Committee was concerned about a number of high-profile cases of impunity, including the pardoning of former Staff Sergeant Sunil Ratnayake. He wished to know how petitions lodged under section 20 of the Enforced Disappearance Act concerning refusals to follow up on cases of enforced disappearance were handled in practice, whether any such petitions had actually been submitted and how effective the response to them had been.

49. He would appreciate comments from the delegation on reports that, despite its claim that there had been no cases of enforced disappearance between 2017 and 2023, there had been a number of troubling cases involving arbitrary and incommunicado detention during that period that might amount to cases of so-called short-term enforced disappearance, as described in the joint statement issued by the Committee and the Working Group on Enforced or Involuntary Disappearances (CED/C/11). There had also been a number of so-called white van abductions.

50. He would appreciate clarification as to whether the country's laws, particularly the Enforced Disappearance Act, ensured the non-derogability of the prohibition of acts of enforced disappearance. He would welcome comments on cases in which exceptional detention and other measures permitted under the law, including the Public Security Ordinance, had reportedly been abused to repress, intimidate or retaliate against the families of victims of enforced disappearance, particularly in connection with commemorative events, and in cases such as that of Mohamad Rusdi. He wished to know who was involved in the discussions being held on the repeal of the Prevention of Terrorism Act and how transparent those discussions had been.

51. **Ms. Villa Quintana** said that she would appreciate responses to her earlier questions regarding disappearances in the context of migration, the connection between trafficking in persons and enforced disappearance, and the measures taken to ensure that the Ministry of Defence provided information, when requested, on the identity of members of the armed forces suspected of having carried out acts of enforced disappearance. She wished to know what the magisterial supervision of police investigations entailed, what steps were taken in response to a failure to provide information requested by individuals about their family members and why the findings of only 14 of the State Party's 36 commissions of inquiry had been made public. Despite the universal jurisdiction granted to domestic courts under section 6 (2) of the Enforced Disappearance Act, no arrest warrants or investigations appeared to have been carried out in respect of Sri Lankan nationals suspected of involvement in enforced disappearances, in some cases because they were senior officials who enjoyed immunity. How would the State Party ensure that persons suspected of human rights violations were not appointed to senior government positions, including senior diplomatic posts?

52. It would be helpful to have disaggregated data on migrants who had disappeared or died, as well as information on the capacity-building provided to migration officials and police officers and on any mechanisms in place at the border to respond to reports of a disappearance. She wondered what remedies were available to complainants when the competent authorities refused to search for a disappeared person or investigate their allegations, whether members of the security forces were punished if they refused to register such complaints, how the guidelines issued by the Inspector General of Police on the treatment of family members of disappeared persons were being implemented and how police

officers' often dismissive attitude towards Tamil women was being addressed. She wished to know whether extradition requests were processed through judicial or administrative channels, whether enforced disappearance was clearly covered by the bilateral extradition agreements and mutual legal assistance agreements concluded by the State Party, whether the State Party had received any requests for extradition or for the State Party's domestic courts to exercise their universal jurisdiction and whether the State Party had ever requested legal assistance or cooperation in investigating a case of enforced disappearance.

53. **A representative of Sri Lanka** said that if any wrongdoing on the part of a high-ranking official was brought to the Government's attention, the matter would be dealt with openly and transparently. The Cabinet had appointed a committee, which included the President's Counsel and Supreme Court judges, to draft a law consistent with international standards for the abolition of the Prevention of Terrorism Act. The United Nations Resident Coordinator had put the Government, upon its request, in contact with experts who could provide assistance. Once the draft was completed, public consultations would be held. The Government was preparing an initial timeline for the introduction of an independent public prosecutor to address public perceptions of a conflict of interest in the role of the Attorney General.

54. **A representative of Sri Lanka** said that the Supreme Court, at the hearing to be held on 29 September in connection with the *Singarasa* judgment, would consider the issue of the conflict between the country's international commitments and certain provisions of its Constitution. Any legislation affecting those constitutional provisions would require a referendum and a two-thirds majority vote in Parliament.

55. Under the nineteenth amendment to the Constitution, both substantive and procedural acts of the President were subject to judicial review. The presidential pardon of former Staff Sergeant Sunil Ratnayake had been questioned before the Supreme Court. The arguments in the case had concluded, and the Court's decision was pending. There had been cases where the Court had overturned pardons granted in the past.

56. Under the epistolary jurisdiction provided for in the Supreme Court's rules, the Court could consider claims of existing or imminent violations of fundamental rights submitted directly by citizens in writing. If claims were made by persons of limited means, the Court could refer such cases to the Legal Aid Commission.

57. Section 12 of the Enforced Disappearance Act had amended the Extradition Law to include enforced disappearance as an extraditable offence. The extradition process involved administrative procedures but ultimately culminated in the courts. Under its agreements on mutual legal assistance in criminal matters, the Government frequently assisted other States and obtained information to facilitate investigations and prosecutions.

58. Police investigations were carried out independently. The judicial supervision of investigations was intended to facilitate certain investigative measures, under section 124 of the Code of Criminal Procedure, and to ensure the fairness of the process. In addition, the police could seek guidance from the Attorney General regarding provisions of the Code.

59. **A representative of Sri Lanka** said that human trafficking and enforced disappearance were distinct crimes. As a signatory to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Sri Lanka was bound to take all possible measures to eradicate human trafficking. Under the Penal Code, as amended by Act No. 16 of 2006, human trafficking was a severely punishable offence. Under the Code of Criminal Procedure, it was also non-bailable and non-compoundable. The National Anti-Human Trafficking Task Force, which had been established to prevent, suppress and prosecute human trafficking and to build local and international partnerships, carried out awareness-raising programmes for the public, law enforcement authorities and, at the grass-roots level, village heads, and provided information through social media platforms and its website. The Government worked closely with the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, with United Nations agencies such as the International Organization for Migration and with other countries, including under memorandums of understanding, to combat people smuggling. Sri Lanka had been placed in tier 2 of the *Trafficking in Persons Report* of the United States of America for three

consecutive years. The Ministry of Defence cooperated in the sharing of information and stood ready to provide any information requested within the parameters of the Right to Information Act.

60. **A representative of Sri Lanka** said that support was provided to help victims of human trafficking reintegrate into society, standard operating procedures had been developed for the identification and protection of victims, and a national action plan would be rolled out for the period 2026–2030. The Tracing and Investigation Unit of the Office on Missing Persons received information from various authorities, including the National Anti-Human Trafficking Task Force. The Office would be formalizing its information-sharing frameworks with the Prisons Department, the Rehabilitation Authority and the Task Force.

61. **A representative of Sri Lanka** said that any police officer who failed to record a complaint, even a petty one, would face disciplinary action. If a complaint was not recorded, complainants could turn to senior officers at the district, divisional and other levels and the Inspector General of Police, whose doors were open to the public one day a week, or use the available toll-free telephone hotlines or a special website of the Inspector General of Police. The National Police Commission also accepted complaints against the police by members of the public.

62. Human trafficking and enforced disappearance were covered in the basic training programme for the Sri Lanka Police. Police scene of crime officers were specifically trained in how to excavate mass graves and collect forensic evidence. ICRC was, at that moment, conducting a three-day training programme in forensic photography for those officers.

63. **A representative of Sri Lanka** said that section 14 of the Enforced Disappearance Act recognized the right of victims and their relatives to know the truth regarding the circumstances of cases of enforced disappearance, the progress and the results of the investigations carried out by law enforcement authorities and the fate of the disappeared persons. The Office on Missing Persons Act required the Office to take note of the work of previously established commissions of inquiry in its deliberations and investigations.

The meeting rose at 1 p.m.