

SRI LANKA

CAT A/53/44 (1998)

243. The Committee considered the initial report of Sri Lanka (CAT/C/28/Add.3) at its 338th, 339th and 341st meetings, on 18 and 19 May 1998 (CAT/C/SR.338, 339 and 341), and adopted the following conclusions and recommendations.

1. Introduction

244. Sri Lanka acceded to the Convention against Torture on 3 January 1994 but has not recognized the competence of the Committee to consider communications made in accordance with articles 21 and 22 of the Convention.

245. The Committee expresses appreciation for the report of Sri Lanka, which is consistent with the guidelines for such reports, for the annexed material and the introduction and replies by the delegation of the State party to questions put by members of the Committee.

246. The report, which was due in 1995 and was submitted more than two years later, covers the period from accession to 21 November 1997.

2. Positive aspects

247. The Committee welcomes with satisfaction the following positive developments:

- (a) The accession to the Convention during extremely difficult times for the country;
- (b) The adoption of the Convention against Torture Act No. 22 of 1994 to give effect to the Convention in accordance with the legal system of the State party;
- (c) The recent establishment of the Human Rights Commission with several regional offices, including one in Jaffna;
- (d) The unequivocal position taken by the Supreme Court as well as other courts on the question of torture and the awards of compensation to victims of torture under the fundamental rights jurisdiction of the Supreme Court;
- (e) Seminars and other work carried out by the International Committee of the Red Cross (ICRC) and the participation of the medical profession in such seminars;
- (f) The recent accession by the State party to the First Optional Protocol to the International Covenant on Civil and Political Rights;
- (g) The State party's readiness to cooperate with the Committee in order to comply with the

Convention;

(h) The support of victims of torture as expressed by both donations to the United Nations Voluntary Fund for the Victims of Torture and support to the Centre for Rehabilitation.

3. Factors and difficulties impeding the application of the provisions of the Convention

248. The Committee takes note of the following:

(a) The serious internal situation faced by the State party, which however in no way justifies any violation of the Convention;

(b) A very low per capita income;

(c) The fact that for years in the past police officers appeared to be immune from prosecution.

4. Subjects of concern

249. The Committee is gravely concerned by information on serious violations of the Convention, particularly regarding torture linked with disappearances.

250. The Committee regrets that there were few, if any, prosecutions or disciplinary proceedings despite continuous Supreme Court warnings and awards of damages to torture victims.

251. The Committee notes the absence, until recently, of independent and effective investigation of scores of allegations of disappearances linked with torture.

252. The Committee noted that, while the Convention against Torture Act 22/94 covers most of the provisions of the Convention, there were certain significant omissions.

253. The question of the admissibility under the emergency regulation of confessions is also a matter of concern, as well as the absence of strict legislation governing detention consistent with international norms.

5. Recommendations

254. The Committee urges the State party to review Convention against Torture Act 22/94 and other relevant laws in order to ensure complete compliance with the Convention, in particular in respect of: (a) the definition of torture; (b) acts that amount to torture; and (c) extradition, return and expulsion.

255. The Committee furthermore recommends that the State party:

(a) Review the emergency regulations and the Prevention of Terrorism Act as well as rules of practice pertaining to detention to ensure that they conform with the provisions of the Convention;

(b) Ensure that all allegations of torture - past, present and future - are promptly, independently and effectively investigated and the recommendations implemented without any delay;

(c) While continuing to remedy, through compensation, the consequences of torture, give due importance to prompt criminal prosecutions and disciplinary proceedings against culprits;

(d) Take the necessary measures to ensure that justice is not delayed, especially in the cases of trials of people accused of torture;

(e) Strengthen the Human Rights Commission and other mechanisms dealing with torture prevention and investigation and provide them with all the means that are necessary to ensure their impartiality and effectiveness.

256. The Committee urges the State party to declare in favor of articles 21 and 22 of the Convention.

257. The Committee would be remiss if it did not acknowledge that the Sri Lankan delegation made every effort to make the dialogue with the Committee fruitful, so that the State party might be helped to put an end to violations of the Convention.