

SRI LANKA

CAT Article 20 Examinations Re: Systematic Torture

CAT A/57/44 (2002)

IV. ACTIVITIES OF THE COMMITTEE UNDER ARTICLE 20 OF THE CONVENTION

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B. Summary account of the results of the proceedings concerning the inquiry on Sri Lanka

1. Introduction

123. Sri Lanka acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 3 January 1994. At the time of accession it did not declare that it did not recognize the competence of the Committee provided for in article 20 of the Convention. The possibility of making such a declaration is provided for in article 28, paragraph 1, of the Convention. The procedure under article 20 is therefore applicable to Sri Lanka.

124. The confidential inquiry provided for in article 20 began in April 1999 and ended in May 2002. In accordance with article 20, paragraph 5, of the Convention, the Committee, after holding consultations with the State party concerned decided, at its twenty-eighth session, to include in its annual report to the General Assembly in 2002 the following summary of the results of the inquiry on Sri Lanka.

2. Development of the procedure

125. On 21 July 1998, five non-governmental organizations based in London, namely, the British Refugee Council, the Medical Foundation for the Care of Victims of Torture, the Refugee Legal Centre, the Immigration Law Practitioners Association and the Refugee Legal Group, submitted information on alleged systematic practice of torture in Sri Lanka to the Committee.

126. The Committee examined the information received at its twenty-first session in November 1998. It concluded that the information was reliable and that it contained well-founded indications that torture was being systematically practised in the territory of Sri Lanka. In accordance with article 20, paragraph 1, of the Convention and rule 76 of its rules of procedure, the Committee decided to invite Sri Lanka to cooperate in its examination of the information and to submit observations in that regard by 1 February 1999. The Government of Sri Lanka submitted its observations on the date set by the Committee.

127. At its twenty-second session, from 26 April to 14 May 1999, the Committee, after having examined the observations made by the State party, reaffirmed that the information available to it provided well-founded indications that torture was being systematically practised in Sri Lanka. Accordingly, it decided to undertake an inquiry and to designate for that purpose Mr. Mavrommatis

and Mr. Yu Mengjia. In communicating its decision, the Committee also requested the Government of Sri Lanka to agree to a visit of the two Committee members designated for the inquiry by January 2000.

128. The Government confirmed its acceptance of the visit but requested a postponement due to the heavy schedule of work of the political and military authorities caused by the aggravation of the internal conflict opposing the Sri Lankan armed forces and the members of the Liberation Tigers of Tamil Eelam (LTTE) in the northern and eastern parts of the country.

129. The visit finally took place from 19 August to 1 September 2000. The members of the Committee concentrated their activities in Colombo, but also travelled to Kandy, Matale, Dambulla, Panadura and Kalutara in order to visit detention places. However, for security reasons they were not able to visit the northern and eastern parts of Sri Lanka where the armed conflict raged and where many allegations of torture had been reported. During the visit, Mr. Mavrommatis and Mr. Yu Mengjia held 12 meetings with government officials and visited 16 places of detention. The Government gave full support to the visit and was cooperative at all times.

130. Very useful meetings were held with locally based senior officials of the United Nations system who assisted the Committee in understanding the context and background within which allegations of torture could be examined. The two Committee members also held numerous meetings with non-governmental organizations, lawyers and medical doctors dealing with cases of torture. Interviews with alleged torture victims were also conducted.

131. Initial observations and recommendations were made by the Committee members at the wrap-up meeting held with government officials on 31 August 2000. On 6 November 2000 the State party provided a reply concerning the implementation of the initial recommendations.

132. The two members reported on their visit to the Committee at its twenty-fifth session (13-24 November 2000). The Committee unanimously expressed satisfaction with the manner in which Sri Lanka had so far cooperated in the inquiry and endorsed the suggestions made by the members conducting the inquiry that: (a) it would be premature to make a final assessment and to transmit the conclusions of the inquiry at that stage; and (b) it would be more productive to continue the cooperation between the Committee and the Government of Sri Lanka within the framework of the inquiry so as to encourage the Government to take concrete measures to achieve full respect of its obligations under the Convention.

133. In this context, by letter dated 24 November 2000 the preliminary recommendations that the Committee addressed to the Government to assist it in its efforts to improve the implementation of the Convention were transmitted, and the Government was requested to inform the Committee of the action undertaken with regard to those recommendations. The Government provided detailed information concerning the implementation of the preliminary recommendations by communications dated 28 March 2001, 27 April 2001 and 8 November 2001.

134. On 7 September 2001, non-governmental organizations transmitted updated information to the Committee concerning cases of torture, ill-treatment, sexual harassment, rape and deaths in custody

in Sri Lanka.

135. During its twenty-seventh session (12-23 November 2001), the Committee decided to transmit the findings of the inquiry to the Government and invite it to inform the Committee by February 2002 of the measures taken with regard to those findings. On 11 March 2002 the Government of Sri Lanka provided its comments on the findings of the Committee.

3. Preliminary recommendations made by the Committee

136. The Committee made the following preliminary recommendations to the Government: the State party should undertake to:

- (a) Adopt precise instructions to be addressed to its agents to avoid the lack of practical effectiveness of legal, administrative and other measures adopted to combat torture;
- (b) Reduce and eventually suppress the many overlapping jurisdictions between agencies investigating offences under the Prevention of Terrorism Act and the Emergency Regulations, and establish clear spheres of competence, conducive to enhancing efficiency in preventing torture in all its forms;
- (c) Introduce, under the Prevention of Terrorism Act and the Emergency Regulations, a provision requiring suspects to be produced before a judge within a short time;
- (d) Abolish the power of the Secretary of Defence to order preventive detention for a period of up to a year without judicial review;
- (e) Develop a central register for detainees in all parts of the country;
- (f) Establish an effective mechanism for the criminal prosecution of public officials who commit acts of torture;
- (g) Guarantee the access of counsel to detainees in police custody;
- (h) Establish a legal assistance scheme free of charge to the beneficiaries;
- (i) Establish a mechanism for regular monitoring visits to detention places to be made by magistrates;
- (j) Put an end to the illegal detention of suspects by para-military groups assisting the Sri Lankan armed forces in the war against the LTTE and bring groups such as PLOTE and TELO under the strict control of the State, or disband them;
- (k) Initiate prompt and independent investigations of every instance of alleged torture;
- (l) Grant the Attorney-General authority to initiate investigations into such allegations;

(m) Establish an effective methodology for ensuring that directives relating to the prevention of torture are strictly complied with;

(n) Establish a roster of or select officers qualified to act as officers in charge of all police stations and/or prison facilities, and conduct regular on-the-job awareness courses;

(o) Improve detention conditions in keeping with the United Nations Standard Minimum Rules and Basic Principles for the Treatment of Prisoners;

(p) Conduct the evaluations and studies referred to in the Government's note of 6 November 2000 in a timely manner and report to the Committee on the results.

4. Information received from the Government of Sri Lanka after the conclusion of the visit

137. As mentioned above, by communications dated 8 November, 27 April and 28 March 2001, the Government of Sri Lanka provided detailed information to the Committee concerning its findings and recommendations.

138. The Government informed the Committee that on 20 November 2000 a Permanent Inter-Ministerial Standing Committee on Human Rights Issues was established to consider issues and incidents relating to human rights, in particular the prohibition against torture, and to take policy decisions in this regard. An Inter-Ministerial Working Group on Human Rights Issues was later established to monitor the implementation of decisions taken by the Permanent Inter-Ministerial Standing Committee and to take action on urgent issues. The Working Group took up for consideration the 16 preliminary recommendations transmitted by the Committee against Torture on 24 November to the Government of Sri Lanka. According to the communications received from the Government, multiple positive actions have been taken with a view to prohibiting torture.

Recommendation (a)

139. The Government indicated that in January 2001 the Inspector General of Police convened a special meeting of all Deputy Inspectors General of Police and sensitized them as to the prevailing allegations of torture. Reference was made to the Committee's inquiry mission and to its initial observations. It was emphasized that all Deputy Inspectors General of Police would have to ensure that under no circumstances would torture take place within their respective jurisdictions. Further, they should take prompt and impartial action whenever a complaint or information is received alleging perpetration of torture.

140. On 14 January 2001 the Inspector General of Police sent an official circular to all officers in charge of Police Divisions and Specialized Divisions reiterating that under no circumstances should torture be perpetrated or permitted. According to the Government, by the end of February 2001, all police officers attached to the Sri Lanka Police Department had received specific instructions on the need to desist totally from any form of torture.

141. The Government of Sri Lanka further informed the Committee that according to the policy of the Ministry of Defence only authorized personnel of the police and the security forces should participate in the arrest, detention and interview of suspects. No other persons or members of groups should under any circumstances be involved in the conduct of such law enforcement activity. The Ministry of Defence closely monitors the directive proscribing the participation of members of ex-militant groups in de facto law enforcement efforts. Members of ex-militant groups have been totally debarred from effecting any arrests or detention of persons.

Recommendation (b)

142. According to the Government, all police officers are legally entitled and empowered to conduct criminal investigations into offences recognized in the Prevention of Terrorism Act and the Emergency Regulations. Given the prevailing situation, it would be contrary to the interests of the country and its security to confer the powers under the Prevention of Terrorism Act and the Emergency Regulations solely upon a particular specialized agency of the police. The possible overlapping of jurisdictions has been acknowledged by the Government.

143. The Government reply provides an explanation with regard to the arrest and detention of suspects under the Prevention of Terrorism Act and the Emergency Regulations.

144. Any duly authorized police officer may, in accordance with the law, effect the arrest of a suspect under the relevant provisions of the Prevention of Terrorism Act or the Emergency Regulations. Detention shall be at the police station to which the police officer in question is attached. If the suspect is arrested in the area of his domicile, he would be detained at the police station of that area. However, since the Terrorism Investigation Division (TID) has jurisdiction to conduct anti-terrorism investigations in any part of the country, if the arrest is effected by a police officer attached to the TID the suspect shall be detained at the detention facilities of the TID in Colombo.

145. Following an arrest by a police officer, if the officer in charge of the police station concludes that an investigation needs to be conducted and continued detention is required, he/she shall bring such matter to the attention of the officer in charge of the relevant police division and cause the transfer of investigation or detention to the TID or the Counter-Subversive Unit (CSU). Except for exceptional circumstances, a suspect arrested and detained under the provisions of the Prevention of Terrorism Act or the Emergency Regulations shall not be detained at a police station for more than 72 hours.

146. If the suspect has been arrested under the provisions of the Prevention of Terrorism Act or the Emergency Regulations by a police officer attached to the CSU, unless transferred to the TID the suspect shall be detained until produced before a magistrate at the relevant CSU.

147. In cases where the Criminal Investigation Department (CID) is authorized to commence and conduct a particular investigation relating to an offence under the Prevention of Terrorism Act or Emergency Regulations, the suspect shall be detained in the detention facilities of the CID until produced before a magistrate.

148. All suspects arrested by police officers attached to the TID shall be detained at the detention facilities of that Division.

Recommendation (c)

149. In its initial communication, dated 28 March 2001, the Government explained to the Committee that the Emergency Regulations require the relevant law enforcement authority to produce persons arrested under that law before a magistrate within 30 days from the arrest. According to the Government, following discussions at the Inter-Ministerial Working Group on Human Rights Issues it was decided to amend the relevant regulation and to require suspects to be produced before magistrates within 14 days.

150. By communication dated 27 April 2001, the Government further informed the Committee that by order dated 6 April 2001, the President, acting under section 5 of the Public Security Ordinance, decreed “where any person has been arrested and detained under the provisions of regulation 18 of [the Emergency] Regulations, such person shall be produced before a magistrate within a reasonable time, having regard to the circumstances of each case, and in any event, not later than 14 days from the date of such arrest”.

151. According to the Prevention of Terrorism Act, upon the arrest of a suspect under the Act, unless the suspect is detained upon the authority of a detention order issued under section 9 (1) of the Act, such suspect shall be produced before a magistrate within 72 hours. If, however, the suspect is detained under the authority of a detention order issued under section 9 (1) of the Act, such suspect shall be produced before a magistrate as soon as the investigation against the relevant suspect is concluded (a maximum period of 18 months).

Recommendation (d)

152. According to the Government, the authority conferred on the Secretary to the Ministry of Defence to authorize preventive detention is subject to judicial review during the entire period of detention. However, due to the current situation in Sri Lanka, the Government does not deem it suitable to repeal the relevant regulation.

Recommendation (e)

153. The Government informed the Committee that the Police Department has established a computerized Central Police Registry. This registry contains accurate and up-to-date information relating to the arrest and detention of persons under the provisions of the Prevention of Terrorism Act and Emergency Regulations that may be proclaimed by the President of Sri Lanka. Police officers effecting the arrest of suspects under the provisions of those laws are required to inform the Registry no later than six hours from the time of arrest. The Registry became operational on 1 November 2001. The general public has been informed of the establishment of the Central Police Registry and may make inquiries and obtain information in any of the three official languages (Sinhala, Tamil or English). Family members of persons believed to have been arrested may, by contacting the

Registry, obtain information regarding whether in fact such a person has been arrested, the identity of the arresting authority and the place of detention.

Recommendations (f), (g) and (h)

154. According to the Government, various sources of information can give rise to the conduct of criminal investigations and domestic inquiries, such as direct complaints of torture made by victims or communications received from United Nations mechanisms. If such information is received by a State agency other than the Attorney-General's Department, such information should initially be forwarded to the Prosecution of Torture Perpetrators Unit of the Department which will register the case.

155. Investigations are conducted by a special team of police officers attached to the CID. However, if an allegation is made against officers of the CID, provision has been made for the investigation to be conducted by a team of police officers attached to Police Headquarters. Following the completion of investigations, Notes of Investigation are forwarded to the Prosecution of Torture Perpetrators Unit, which decides whether to institute criminal proceedings under the provisions of the Convention against Torture Act of 1994. In the event of a decision to institute criminal proceedings, an Indictment is issued against the accused to the relevant high court. Parallel to the institution of criminal proceedings, advice is forwarded by the Attorney-General to the relevant disciplinary authority, inviting it to consider the institution of disciplinary proceedings. The Unit maintains a computerized database of all actions it has taken, including regarding allegations of torture.

Recommendation (i)

156. According to the information provided by the Government, the Police Department has no objection to counsel representing suspects detained at police stations, or interviewing/advising them prior to their being produced before a magistrate. However, due to the need to ensure that police investigators are able to conduct the initial investigation and interview suspects in an unhindered manner, such interviews shall not take place prior to the recording of the statement of the suspect. Nevertheless, the suspect or his/her attorney can make a complaint of assault by police to the magistrate at the time of the initial appearance before the magistrate. Attorneys at law representing arrested suspects have the right to interview the officer in charge of the relevant police station any time after the arrest.

Recommendation (j)

157. It was indicated that there are two Government-sponsored legal aid schemes implemented by the Prisoners Welfare Association and the Community Based Legal Services Project, aimed at providing free legal aid to suspects. In addition, there are several other legal aid schemes implemented by NGOs. The Human Rights Commission of Sri Lanka has identified 34 non-governmental organizations offering such legal aid.

Recommendation (k)

158. In its initial communication dated 28 March 2001 the Government of Sri Lanka informed the Committee that all magistrates are legally empowered to visit and inspect remand prisons where suspects being held on remand (on judicial orders made by magistrates) are being detained. The Committee was further informed that following discussions at the Inter-Ministerial Working Group on Human Rights, it was decided to amend the existing provisions of the Emergency Regulations empowering magistrates to visit (without prior notice) and inspect all places wherein suspects are being detained under the provisions of the Emergency Regulations.

159. By communication dated 27 April 2001, the Government further informed the Committee that by order dated 6 April 2001 the President, acting under section 5 of the Public Security Ordinance, decreed that “the officer in charge of any place authorized by the Inspector General of Police as a place authorized for detention for the purpose of regulation 17 or 18, shall furnish, to the magistrate within the local limits of whose jurisdiction such place of detention is located, once in every 14 days, a list containing the names of all persons detained at such place. The magistrate shall cause such list to be displayed on the notice board of the Court. The magistrate within whose jurisdiction any such authorized place of detention is situated, shall visit such place of detention at least once in every month. It shall be the duty of the officer in charge of that place to secure that every person detained therein, otherwise than by an order of a magistrate, be produced before such visiting magistrate”.

160. Following the lapse of the Emergency Regulations, the regulatory power conferred on magistrates on 6 April 2001 to conduct unannounced visits to places of detention under the Emergency Regulations ceased. However, following a recommendation by the Inter-Ministerial Working Group on Human Rights on the need to empower magistrates to visit and inspect all places of detention and interview suspects, the Ministry of Justice is considering incorporating a new provision in the Code of Criminal Procedure that would enable magistrates to perform this function in relation to all suspects arrested under the various applicable laws.

Recommendation (l)

161. According to the Government, all ex-militant groups have been warned of the need to adhere to the law and desist from arresting or detaining any person. In the event of such action being taken, it would be deemed in violation of the penal law and action would be taken in accordance with the law.

Recommendation (m)

162. By an initial communication dated 28 March 2001 the Government of Sri Lanka explained that a Senior Deputy Inspector General of Police has been assigned the task of coordinating all efforts relating to the protection and promotion of human rights and the enforcement of the domestic laws relating to alleged violations of human rights. It is the duty of the Senior Deputy Inspector General of Police to ensure that directives relating to the prevention of torture are strictly complied with.

163. In addition, the Commander of the Sri Lanka Army has appointed a brigadier to coordinate all matters relating to human rights. It is the duty of the brigadier to ensure strict compliance with

directives issued to the Sri Lanka Army. Similarly, the Sri Lanka Navy has appointed a commodore to perform such functions.

164. By communication dated 27 April 2001, the Government further informed the Committee that the Deputy Inspector General of Police has recently undertaken an initiative to, inter alia, review the implementation of the State policy and in particular to examine whether persons detained at police stations are treated in accordance with internationally accepted norms and standards and whether they are subjected to any form of torture or other cruel, inhuman or degrading treatment or punishment.

165. The Senior Deputy Inspector General of Police in charge of human rights issues continues personally to monitor compliance with directives issued by the Inspector General of Police and Police Headquarters. These directives are aimed at ensuring the protection of the human rights of suspects arrested and detained in police custody. In order to ensure compliance with such directives, the said officer conducts unannounced visits to police stations.

Recommendation (n)

166. All officers in charge of police stations receive training at the time of their selection and periodically thereafter. The Secretary to the Ministry of Defence invited the Sri Lanka Foundation Institute to undertake a comprehensive study of all training syllabuses of the police and security forces relating to human rights with a view to redesigning the course content and process with the primary objective of bringing about, in addition to an increase in knowledge, a change in attitudes that would contribute towards a change in behaviour. The Sri Lanka Foundation Institute has already commenced a new training programme on human rights for police officers.

Recommendation (o)

167. The process of improving detention centres requires considerable resources and vast improvement in infrastructure. The development and improvement of detention conditions will be a gradual and time-consuming process.

Recommendation (p)

168. The Permanent Inter-Ministerial Standing Committee and the Inter-Ministerial Working Group on Human Rights Issues will continue to monitor the situation relating to torture. The Working Group will take all steps necessary for the prevention of torture and enforcement of the due process of law with regard to all allegations of torture.

169. In addition to providing specific replies to the recommendations made by the Committee in its communication dated 28 March 2001, the Government provided information on additional activities undertaken: video recording of confessions made by suspects to assistant superintendents of police, recorded under the provisions of the Prevention of Terrorism Act and the Emergency Regulations; creation of additional detention facilities at the TID with a view to easing the overcrowding of the existing detention facilities on the sixth floor of the new secretariat building; and identification and formulation of legal methods of criminal investigation aimed at eliciting self-incriminatory material.

170. In its communication dated 27 April 2001, the Government of Sri Lanka informed the Committee that a process had been initiated by the Ministry of Defence to invite the attention of the relevant disciplinary authorities to consider taking disciplinary action against police officers and security forces personnel alleged to have perpetrated torture. Consideration of disciplinary action in relation to cases determined by the Supreme Court and cases brought to the attention of the Government of Sri Lanka by the United Nations Special Rapporteur on torture is continuing.

171. In addition, the Government also provided statistics indicating the number of persons arrested by law enforcement authorities under the provisions of the Prevention of Terrorism Act, the Emergency Regulations and the normal laws. This information was submitted because the Government believes that the Committee should consider that torture is practised systematically in the territory of a State party only if incidents of torture consistently occur in the process commencing with arrest and ending upon the termination of detention or completion of the penal sanctions as enforced by the administration of justice system or other similar de jure or de facto process.

5. Findings and conclusions of the Committee against Torture

172. In November 2001, the Committee transmitted the following findings and conclusions to the Government of Sri Lanka. The findings of the Committee, which are based mostly on what the members conducting the inquiry observed during their visit to Sri Lanka, are as follows.

173. The most serious problem faced by Sri Lanka is the internal conflict that has been going on for years and which creates a climate of violence, in particular in the northern and eastern part of the country, and is aggravated by terrorist acts perpetrated in urban areas by the LTTE.

174. The Government has taken and continues to take draconian measures to put an end to the internal conflict. These measures include resorting to emergency regulations which go far beyond the ordinary emergency legislation.

175. The Government employs not only the police and its armed forces in combating terrorism but also paramilitary groups, some of which include Tamil defectors. These groups are not fully under the control of civilian or military authorities.

176. Torture is frequently resorted to in the following cases:

- (a) By the police, especially during the first days following arrest and detention of suspects;
- (b) By the army in respect of captured suspected terrorists, in order to “facilitate” follow-up operations and before handing them over to the civilian authorities; and
- (c) By paramilitaries, who apparently are not a regular force fully responsible to the military command.

177. Even though the number of instances of torture is rather high, the majority of suspects are not tortured; some may be treated roughly.

178. The Government does not condone torture and is employing various means to prevent it. It appears that instructions to that effect are not always obeyed, and there was no appropriate follow-up to ensure compliance.

179. Investigation by the Sri Lankan police of alleged instances of torture is not satisfactory, as it has been often inordinately delayed. Prosecution or disciplinary proceedings have until recently been rare.

180. Noteworthy remedial action is that taken by the High Court in respect of fundamental rights petitions. Mention may also be made of the work of the Human Rights Commission. The work, though recently improved, still leaves a lot to be desired, particularly in ensuring compliance with instructions to prevent torture and dealing with the possible effect of new emergency legislation on human rights.

181. On the basis of the above, the Committee has reached the conclusion that, although a disturbing number of cases of torture and ill-treatment as defined by articles 1 and 16 of the Convention are taking place, mainly in connection with the internal conflict, its practice is not systematic.

182. In reaching this conclusion, the Committee has taken into account its views with regard to the meaning of “systematic practice of torture” expressed at the end of its first inquiry under article 20 of the Convention in 1993 and endorsed in subsequent inquiries (A/48/44/Add.1, para. 39; A/51/44, para. 214; and A/56/44, para. 163).^{1/} These describe the ordinary meaning to be ascribed to the term “systematic” in the context of its use in article 20 of the Convention as required by article 31 of the Vienna Convention on the Law of Treaties of 1969.

183. The Committee also took into consideration the fact that the Government and the government security forces began implementing most of the recommendations addressed to the State party by the Committee.

184. Needless to say, it is the duty of the Government to put an end to any act of torture or ill-treatment, to examine independently all allegations of torture and violations of article 16, to

^{1/} “The Committee considers that torture is practised systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question. Torture may in fact be of a systematic character without resulting from the direct intention of a Government. It may be the consequence of factors which the Government has difficulty in controlling, and its existence may indicate a discrepancy between policy as determined by the central Government and its implementation by the local administration. Inadequate legislation which in practice allows room for the use of torture may also add to the systematic nature of this practice.”

prosecute suspects and compensate the victims, and to comply fully with all the recommendations made by the Committee. In particular, the Committee welcomes the measures taken by the Government to bring the paramilitary groups under control, as they are reported to be responsible

for many torture cases. It is the view of the Committee that these groups should be disbanded as a measure to prevent any possible systematic occurrence of torture.

185. The Committee, whilst welcoming the setting up of the Inter-Ministerial Standing Committee and the Inter-Ministerial Working Group on Human Rights Issues as a very important step in the right direction, calls on the Government of Sri Lanka to ensure their continued effectiveness.

6. Further information provided by the Government of Sri Lanka

186. By communication dated 11 March 2002, the Government of Sri Lanka provided a reply to the findings and conclusions of the Committee. Some of the information provided has been reflected above, as it refers to further developments related to the recommendations made by the Committee.

187. According to the reply, the Government, through the Sri Lanka Foundation Institute, the Police Higher Training Institute and the several training institutions of the Sri Lanka Army, continues to ensure that police officers and security forces personnel are trained to comply with and respect standards and norms pertaining to human rights and humanitarian law. Aspects of human rights and humanitarian law are now included in the normal syllabuses of police and security forces training.

188. The Government also informed the Committee that upon an in-depth analysis of the need to ensure that the Police Department and its personnel function only as a law enforcement entity and not as a supplementary force to the three security forces, it has established a new ministry, called the Ministry of the Interior, for the main purpose of effectively delinking the police from the security forces and the Ministry of Defence.

189. In addition, Directorates of Human Rights have been established in the Sri Lanka Navy and the Sri Lanka Air Force. The mandate of the Directorate of Human Rights of the Sri Lanka Army includes advising the Army Commander on all matters concerning international humanitarian law with regard to conflict situation; conducting training programmes among members of the Army; and closely coordinating with the office of the International Committee of the Red Cross in Colombo and the National Human Rights Commission to address human rights and humanitarian concerns.

190. The Government also informed the Committee that as a result of initial negotiations facilitated by the Government of Norway, on 23 February 2002, the Government of Sri Lanka was able to enter into a ceasefire agreement with the LTTE. According to the Government, the agreement contains a series of provisions to foster a conducive environment for enhanced peaceful coexistence amongst the different communities living in Sri Lanka and seeks to promote and protect their human rights.

191. In the light of the Committee's conclusion that torture and other forms of ill-treatment mainly take place in connection with the internal conflict, the recent developments, particularly the entry into force of the ceasefire agreement on 23 February 2002 monitored by an international monitoring mission, effectively removes the conditions which have been identified by the Committee as a major cause for the prevalence of torture and other forms of ill-treatment.

192. In terms of paragraph 2.1 of the agreement, the Government has undertaken to refrain from cordon and search operations or effecting any arrests or detentions of suspects under the provisions

of the Prevention of Terrorism Act. In the event of a need arising to arrest a suspect alleged to have been involved in the commission of a terrorist act, such arrest would be made under the provisions of the normal law (Code of Criminal Procedure Act). The ceasefire agreement provides for a moratorium on the enforcement of the provisions of the Prevention of Terrorism Act. The Government informed the Committee that Emergency Regulations are not in force and that it is willing to examine and review the existing provisions of the Prevention of Terrorism Act.

193. In terms of paragraph 1.8 of the agreement, all Tamil paramilitary groups shall be disarmed within one month of the date on which the agreement came into force.

194. In addition, the Government informed the Committee that following the establishment of the Prosecution of Torture Perpetrators Unit in the Attorney-General's Department and the Torture Investigations Unit in the Criminal Investigations Department, all allegations of torture are impartially, promptly and comprehensively investigated and, where warranted, the perpetrators prosecuted.

7. Final remarks

195. The Committee welcomes the many significant efforts undertaken by the Government of Sri Lanka to fight and prevent acts of torture. It welcomes the ceasefire agreement and expresses appreciation for the measures taken to implement nearly all the recommendations made by the Committee. The Committee points out, however, that the fight against torture is an ongoing process which requires the vigilance of the State party.