



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

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**List of issues to be considered during the examination of the
second periodic report of SRI LANKA (CAT/C/48/Add.2)**

1. Please explain the reasons, if any, for the long delay in submitting the second periodic report of Sri Lanka.

Article 2

2. Please update the information already provided in respect of remedial action taken to comply with the conclusions and recommendations of the Committee, both following the consideration of the initial report of Sri Lanka and the conclusion of the inquiry under article 20 of the Convention.

3. What progress has been made in the constitutional reform process and what steps have been taken to ensure compatibility of the draft Constitution with the Convention?

4. Please describe in detail recent developments in respect of the Peace Agreement of February 2002, with particular emphasis on the freedom of movement, arrests, detention, prosecutions and instances of torture brought to the Government's attention. Please clarify which emergency power legislation remains in force and is actually applied. Has the Declaration of Human Rights and Humanitarian Principles been adopted?

5. Please describe the measures taken to strengthen the independence, impartiality and effectiveness of the Human Rights Commission. Please give examples of successful interventions and of progress actually made, with particular emphasis on the 24-hour hotline, the central register of detainees and the effective monitoring of all places of detention. Please inform the Committee about the effectiveness of the National Strategic Plan of Action (2003-2006), in particular its specific programme to combat torture through effective monitoring and follow-up.

6. What steps are being taken with regard to prevention, investigation, prosecution and punishment in response to allegations of torture, extrajudicial executions, disappearances and other violations of human rights?

7. Does legislation prohibiting torture and cruel, inhuman and degrading treatment contain specific provisions regarding gender-based breaches of the Convention, including sexual violence? Please also describe the effective measures taken to monitor the occurrence of, and to prevent such acts, and provide data, disaggregated by the sex, age and ethnicity of the victims, and information on investigation, prosecution and punishment of the perpetrators.

Article 3

8. Please inform the Committee about the specific safeguards against non-refoulement to a State where there are substantial grounds for believing that a person would be in danger of being subjected to torture that are in place and the practice of the State party in this respect. Please provide examples of cases where the authorities did not proceed with extradition, return or expulsion because of a risk that the persons might be tortured.

9. Please describe the procedure followed by the State party in respect of the return of persons who have failed to obtain asylum abroad. Please make particular reference to suspected members of the Liberation Tigers of Tamil Eelam (LTTE).

Article 4

10. What internal disciplinary processes exist within the police force? Is torture and ill-treatment included in their competence and, if so, is the sentence different from the one provided for under criminal law? How are inquiries conducted and how long does it take to complete such an inquiry? How are these inquiries made public?

11. Do accused public officials remain at work during investigations of torture?

Article 5

12. Please provide information on domestic legislation establishing universal jurisdiction over the offence of torture.

Article 10

13. Please provide more detailed information on the instruction and training provided for law enforcement officials and other public officials with respect to the prohibition against torture, and specifically the treatment of detainees, and the measures for the prevention of torture and cruel, inhuman or degrading treatment or punishment. Please provide information on training in areas such as non-coercive investigatory techniques. What forms of monitoring and evaluation are used to assess the impact of these programmes, if any?

14. Please indicate further whether there are programmes to train medical personnel who are assigned to identify and document cases of torture and assist in the rehabilitation of victims.

15. How many qualified Judicial Medical Officers (JMOs) have been accredited within the system? What training is provided to JMOs, particularly with respect to rape and sexual abuse? What safeguards are in place to ensure that JMOs are not subject to police intimidation and are able to examine victims independently of the police?

Article 11

16. Please comment on the allegations by international non-governmental organizations of torture in custody, including rape and other sexual violent acts against women.

17. Please provide updated information on the number of imprisoned persons and the occupancy rate with respect to capacity for 2002, 2003 and 2004.

18. What steps has the State party planned to take to ensure that the supervision of detention facilities is effective and independent?

19. Are prisoners systematically examined by a doctor upon arrival at a prison? Are injuries recorded?

20. Which institutions can visit places of detention? How often do these visits take place? Are the reports made public? Can NGOs make visits?

21. To what extent has the establishment of a 24-hour hotline and a Central Police Registry assisted family members of detainees in obtaining information on the detention? Please indicate which specific data are systematically recorded upon registration of a detainee by the police.

22. Please describe how detained persons are informed about their rights (orally or in writing). Do these rights include the right to inform a relative and the right to a medical examination by a doctor of his/her own choice?

Article 12

23. Which authority can order the initiation of a criminal investigation in cases of torture or cruel, inhuman or degrading treatment or punishment? Does this require a formal complaint by the alleged victim? Please update the data contained in the report and provide examples of cases investigated and indicate the results of the proceedings, both at the penal and disciplinary levels.

24. How many police personnel are attached to the Special Investigating Unit of the Attorney-General investigating complaints of torture and ill-treatment? How many lawyers are available to the Attorney-General for the preparation of indictments? What steps is the State party taking to ensure that adequate resources are allocated for this purpose?

25. Please provide more detailed information about the specific measures that have been taken to fight impunity for violations of human rights, including disappearances and torture and other cruel, inhuman or degrading treatment or punishment committed by State agents. What steps are being taken to ensure that State agents and others guilty of torture violations are brought to justice?

26. How many State officers have been found in torture-related cases to have violated the human rights guaranteed by the Constitution in recent years? How many State officers have been indicted under the Torture Act or the Penal Code, and how many successful prosecutions have taken place? What were the punishments meted out to such persons, and how many such officers have been dismissed from their employment with the State? The State party is requested to provide a list of these cases to the Committee if one exists.

27. How many cases were brought with respect to rape or sexual assault in custody? What mechanisms have been established to counter these crimes? How many persons were convicted, and for what offences? What were the punishments meted out to such persons? The State party is requested to provide a list of such cases to the Committee if one exists.

Article 13

28. What role does the National Police Commission play with respect to complaints of torture and ill-treatment? Has the National Police Commission established a public complaints procedure, as required under article 155 G (2) of the Constitution of Sri Lanka?

29. Does the State party plan to establish an effective witness protection programme, particularly for victims of torture, extrajudicial killings and other abuses? Is this matter under review? In particular, have financial or other resources been allocated for this purpose?

Article 14

30. Please provide information on compensation measures ordered by the courts and actually provided to victims of torture or cruel, inhuman or degrading treatment or punishment since 1998. Can torture victims obtain compensation through a civil suit in the absence of a guilty verdict in criminal proceedings? In this respect, please provide statistics and examples of compensation received by victims in such cases.

31. What are the arrangements for payment of compensation to successful complainants? Does the State or the individual officer pay this compensation? Is the payment made in a lump-sum or instalments, and what safeguards are in place to prevent further harassment or intimidation of complainants?

32. What provisions are made for victims to have their own legal representation in criminal cases? What rights do complainants' lawyers have to cross-examine defendants and witnesses?

33. What services exist for the treatment of trauma and other forms of rehabilitation of torture victims? What financial allocations have been made for this purpose?

Article 16

34. What safeguards are in place to prevent cruel, inhuman or degrading treatment in schools?

35. Please elaborate on the steps taken to improve conditions in detention centres.

36. Is it envisaged to repeal legislation that allows the imposition of corporal punishment? What steps is the Government taking to remove from its legislation penalties such as whipping, which may be considered to be in violation of the Convention?

37. Please comment on the allegations by international non-governmental organizations of the continued recruitment of child soldiers by the LTTE? Does Sri Lanka envisage prohibiting the recruitment of children into any armed forces or groups? Has any progress been made in light of the Action Plan for the demobilization and rehabilitation of children?

Other

38. Does Sri Lanka envisage signing and ratifying the Optional Protocol to the Convention against Torture? If so, does Sri Lanka envisage setting up or designating a national mechanism that would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

39. Please inform the Committee about progress made in the active consideration of making a declaration in terms of articles 21 and 22 of the Convention. When does the State party expect to submit these declarations?

40. Does Sri Lanka envisage signing and ratifying the Rome Statute of the International Criminal Court?

41. Please indicate whether there is legislation in Sri Lanka aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being considered.

42. Please provide information on the legislative, administrative and other measures the Government has taken to respond to the threat of terrorism, and please indicate if, and how, these have affected human rights safeguards in law and practice.

43. Describe the measures taken to disseminate information on the submission of reports and on their consideration by the Committee, particularly on the Committee's concluding observations.
