



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

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Committee against Torture
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List of issues to be considered during the examination of the combined third and fourth periodic reports of Sri Lanka (CAT/C/LKA/3-4)

Articles 1 and 4

1. In view of the statement in the appendix to the State party's periodic report, paragraph 9, that the definition of torture in the article 12 of the Convention against Torture Act No. 22 of 1994 would "necessarily include any suffering that is caused to any person," please clarify whether any person has been charged or prosecuted under the Act for inflicting suffering or mental pain. If so, please provide details. Does the State party specifically criminalize enforced disappearance? If so, please provide the text of the relevant legislation.

Article 2¹

2. According to the State party's periodic report (CAT/C/LKA/3-4, para. 17), the Presidential Directions issued in July 2007 detail the steps that should be taken to guarantee rights of persons in police custody from the very outset of detention.² Please provide information on the content of these directives, measures taken to implement them, and the role of various bodies including the National Human Rights Commission (NHRC) in monitoring their effectiveness.³ With reference to paragraphs 27–32 of the State party's

¹ The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As general comment No. 2, paragraph 3, states, "the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further chapter V of the same general comment.

² See also CAT/C/LKA/CO/2/Add.1, para. 7.

³ Extract from letter, dated 21 November 2007, sent to the State party by the Rapporteur for follow-up on concluding observations. See also CAT/C/LKA/3-4, para. 30.

periodic report and paragraphs 13–38 of its supplement,⁴ please provide further information on the steps taken, and procedures in place, to ensure, in law and in practice that:

(a) All persons deprived of their liberty are guaranteed the right to be informed of the reason for arrest, the access to a lawyer of their choice, and the right to be assisted by an interpreter, when required.⁵ Please clarify how the State party assesses whether, in practice, all persons detained are afforded the right to inform a family member of their arrest within a short period of time following their apprehension. Please clarify whether all detainees have the right to have a lawyer present during all interrogations. Please indicate whether legal aid is made available to all detained persons and the number of legal aid attorneys in the territory of the State party, disaggregated by location. Please comment on allegations that there is a shortage of Tamil-speaking court-appointed interpreters in many locations in the State party's territory;

(b) All detainees promptly receive an independent medical examination and any medical records noting injuries which are consistent with allegations of torture and ill-treatment are systematically brought to the attention of the relevant prosecutor. How are detainees provided information on their right to demand an independent medical examination by a doctor and to ensure the accuracy of medical reports, including the right to see the reports?⁶

(c) All detained persons are guaranteed the ability to challenge effectively and expeditiously the lawfulness of their detention through habeas corpus.⁷ Please also indicate the number of claims for habeas corpus filed during the reporting period and the number that were successful;

(d) Please specifically indicate whether persons held in administrative detention enjoy the same rights as persons awaiting trial, particularly access to attorneys and the right to contact family members.

3. According to the information before the Committee, lawyers who represent individuals alleging human rights abuses by the government face threats and intimidation, for example in the case of lawyer Amitha Ariyaratne, who reportedly received death threats from police officers in January 2009. Please comment on these allegations and clarify the number of complaints against such officials for attacks, harassment, or intimidation and the administrative sanctions or prosecutions initiated and completed in such cases.

4. According to paragraph 21 of the supplement to the State party's report, "persons arrested under Emergency Regulations and Prevention of Terrorism Act, for certain offences could be detained up to a maximum of one year, for investigation and interrogation purposes".⁸ Please indicate the number of individuals currently detained pursuant to this law, how many have been charged with a crime, and how many have been prosecuted, with what result. Please indicate what measures have been taken to review the need for maintaining the emergency regulations. Please comment on allegations that these provisions have had the effect of denying fundamental safeguards such as the right to

⁴ See also, CAT/C/LKA/CO/2, para. 8, and, CAT/C/LKA/CO/2/Add.1, para. 19.

⁵ CAT/C/LKA/3-4, paras. 29 and 32; A/HRC/7/3/Add.6, para. 36; A/HRC/13/39/Add.6, para. 85 and recommendation b) table p. 203; CAT/C/LKA/CO/2/Add.1, para. 19. See also the letter, dated 21 November 2007, sent to the State party by the Rapporteur for follow-up on Concluding Observations.

⁶ A/HRC/7/3/Add.6, para. 36; A/HRC/13/39/Add.6, para. 85, and recommendation (d) in the table on p. 204. See also the letter, dated 21 November 2007, to the State party by the Rapporteur for follow-up on concluding observations.

⁷ A/HRC/13/39/Add.6, recommendation (c) in the table on p. 204. See also, CAT/C/LKA/CO/2/Add.1, para. 19.

⁸ See also CAT/C/LKA/3-4, paras. 22–23; CRC/C/OPAC/LKA/CO/1, paras. 32–35.

access a lawyer, the right to inform members of one's family of one's apprehension, the right to appear promptly before a judge and the right to be informed of the reasons for arrest. Please comment on reports that numerous prisoners have been held in custody under PTA for several years without trial, and that as at May 2010 more than 1,900 people previously arrested and detained under PTA were being held in detention without charge or trial. Please comment on the report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka⁹ that, as of February 2011, 1,306 individuals from the former conflict zone suspected of being Liberation Tigers of Tamil Eelam (LTTE) members remained detained facilities pursuant to PTA. Please indicate whether these individuals been charged with an offence and permitted to contact attorneys and family members.

5. Please clarify what measures have been taken to prevent torture and ill-treatment of women in places of detention or confinement, including sexual violence.¹⁰ Please provide statistical data on the number of complaints, investigations, convictions and sentences imposed in cases of violence against women in places of detention or confinement, including sexual violence, since 2006, as well as preventive measures taken by the police and judicial authorities in this regard.

6. With reference to the information provided in paragraph 18 of the State party's report, please provide information on the measures taken to ensure that the constitution and activities of NHRC comply with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), including the requirement that Commissioners be selected pursuant to a transparent and broad consultative process.¹¹ What other measures have been taken to guarantee the Commission's independence from the executive branch, for instance by ensuring that it has an adequate budget for the performance of its duties? How many complaints have been filed with the Commission over the past five years and what action has been taken on them?¹² Please indicate whether NHRC members are able to make unannounced visits to all places of detention and how many such visits have been made during the reporting period. Please comment on allegations that, although by law the Commission must be informed of an arrest and of the place of detention within 48 hours, this is not being done in practice. Please elaborate on the respective mandates of NHRC and the additional official commissions to investigate "alleged disappearances" and "serious violations of human rights",¹³ and describe how these mechanisms coordinate their activities.

7. Please provide information on measures in place to fully ensure the independence of the judiciary in conformity with the Basic Principles on the Independence of the Judiciary. Please provide details on the procedure for the appointment of judges, the duration of their mandate, the rules governing their removability and the ways in which they may be dismissed from office. Please provide information on the number of female judges and prosecutors and the number of judges and prosecutors from religious and ethnic minority communities.

⁹ *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka*, 31 March 2011, para. 166. Available from http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf.

¹⁰ CAT/C/LKA/3-4, paras 44–47.

¹¹ CRC/C/LKA/CO/3-4, para. 14; CRC/C/OPAC/LKA/CO/1, paras. 6–7; A/HCR/13/39/Add.6, recommendation (m) in the table on p. 208; CAT/C/LKA/CO/2/Add.1, para. 17; letter, dated 21 November 2007, sent to the State party by the Rapporteur for follow-up on concluding observations; and CAT/C/LKA/3-4, para. 18 *in fine*.

¹² See the letter, dated 21 November 2007, sent to the State party by the Rapporteur for follow-up on concluding observations.

¹³ CAT/C/LKA/CO/2/Add.1, para. 20, and letter dated 21 November 2007 sent to the State party by the Rapporteur for follow-up on concluding observations.

8. According to the State party's periodic report (para. 38 of its supplement), section 2 (2) of the Convention against Torture Act stipulates that "an order of a superior officer or a public authority" may not be invoked as a justification of torture. Please provide examples in which this principle has been applied by the Sri Lankan courts and relevant statistics, if any.

9. Please provide information on the legal framework for combating violence against women in Sri Lanka and on the measures taken to eliminate this phenomenon, including domestic and sexual violence. Please provide statistical data covering the period 2006–2011 on the number of complaints filed concerning different forms of violence against women, the number that resulted in trial and the period of time that elapsed between the filing of a complaint and the conclusion of the trial. What measures are taken to facilitate the submission of complaints regarding sexual violence, to ensure the privacy of the complainant and avoid retraumatization? With regard to allegations claiming delays of 5–12 years in such cases in the context of the universal periodic review of Sri Lanka, please provide information on any measures taken to expedite such cases. Please indicate whether domestic violence and marital rape are criminal offences and, if so, what penalties they incur.¹⁴ Please also comment on allegations that female victims of sexual violence are held in custody until the conclusion of cases against the alleged perpetrators.

10. According to reports, the State party is a point of origin of and a destination of men, women and child victims of human trafficking for forced labour and forced prostitution.¹⁵ Please provide information on measures taken to prevent the trafficking of human beings and to provide appropriate care for the victims. Please also provide information on complaints, investigations, prosecutions and convictions, including penalties, for perpetrators of human trafficking.

Article 3

11. With reference to paragraphs 33–35 of the State party's report, please provide information on how the Extradition Law of Sri Lanka covers the situation envisaged by article 3 of the Convention and ensures that no person is expelled, returned or extradited to another state where there are substantial grounds for believing that he or she would be subjected to torture.¹⁶ What is the procedure followed when a person invokes this right? Are individuals facing expulsion or return, or extradited, informed that they have a right to seek asylum and to appeal a deportation decision? If so, does such an appeal have suspensive effect?

12. Please provide detailed information on the number of cases of refoulement, extradition and expulsion carried out by the State party during the reporting period through the acceptance of diplomatic assurances or the equivalent thereof. Please include detailed information on what the State party's requirements are for such assurances and which post-return monitoring mechanisms have been adopted. Please provide also information on instances in which the State party has offered diplomatic assurances or guarantees.

¹⁴ CEDAW/C/LKA/CO/7, paras. 24–25; CCPR/CO/79/LKA, para. 20; CRC/C/LKA/CO/3-4, para. 4(b). See also, CAT/C/LKA/CO/2, para. 13; and, CAT/C/LKA/3-4, paras. 44–47.

¹⁵ CEDAW/C/LKA/CO/7, paras. 26–27; CCPR/CO/79/LKA, para. 14; CRC/C/LKA/CO/3-4, paras. 4, 65–66, 69–74.

¹⁶ See also CAT/C/LKA/3-4, paras. 39–40 of its supplement; CAT/C/LKA/CO/2, para. 9.

Articles 5, 7 and 8

13. Please indicate whether domestic legislation establishes jurisdiction over acts of torture committed by non-Sri Lankan perpetrators outside the territory of Sri Lanka, if such persons are present in the territory of Sri Lanka and have not been extradited for prosecution elsewhere. Please provide information regarding all cases in which the State party has rejected, for any reason, a request by a State for extradition of an individual suspected of having committed torture. Please indicate whether such individuals were prosecuted in the courts of the State party, and the status and outcome of all such proceedings.¹⁷

Article 10

14. Please provide further information on the training provided for law enforcement officials and other public officials with respect to human rights, specifically the number and the content of training programmes on the treatment of detainees, the prohibition against torture and ill-treatment, and measures for the prevention of torture and ill-treatment.¹⁸ Please clarify whether these training programmes are also available in Tamil language. Please indicate if the State party has developed a methodology to assess the effectiveness of training and educational programmes on the reduction of cases of torture and ill-treatment, and, if so, please provide information on the methodology. Please describe training provided to police and military officials on proper forensic investigation and interrogation techniques.

15. Please provide detailed information on training programmes for judges, prosecutors, forensic doctors, medical personnel and NHRC staff members dealing with detained persons, on the definition of torture and on detection and documentation of the physical and psychological sequelae of torture. Do such programmes include specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)? What training do doctors receive on the treatment and rehabilitation of victims of torture?

Article 11

16. According to the information before the Committee, over 280,000 civilians displaced by war were confined in military-controlled detention camps as at March 2008, and the Secretary-General's Panel of Experts on Accountability in Sri Lanka cited Government claims that as of September 2010, 25,795 civilians remained in detention in these camps (para. 158 of its report).¹⁹ Please provide detailed information, including statistics, disaggregated by sex, age and ethnicity, on the number of internally displaced persons that continue to be held in these so-called "welfare centres or villages". Please explain the reasons for their continued detention and the steps taken to allow their voluntary return in accordance with the Guiding Principles on Internal Displacement.²⁰ Describe the measures taken to ensure safe access to basic services such as food, potable water, shelter,

¹⁷ CAT/C/LKA/3-4, para. 50 of its supplement.

¹⁸ CAT/C/LKA/3-4, para. 31; and paras. 45–56 of its supplement. See also, A/HRC/7/3/Add.6, para. 94 (x); A/HRC/13/39/Add.6, recommendation (x) table p. 212.

¹⁹ *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka*, para. 158.

²⁰ The principles recognize that "exceptional circumstances" may permit confinement only for so long as it is "absolutely necessary" (principle 12).

health facilities and sanitation by internally displaced persons in the camps.²¹ Please indicate whether international bodies or humanitarian organizations are permitted to monitor conditions in the camps.²²

17. Please provide detailed information including statistics, disaggregated by sex, age and ethnicity, on the number of detainees transferred to “rehabilitation centres”. Please indicate what rules exist relating to the right of detained persons to have access to a lawyer and a doctor of their choice, to be informed of their rights and to inform their relatives of their detention. For how long may a person be held in these detention facilities?²³ Are these detainees effectively guaranteed the ability to challenge the lawfulness of the detention before an independent court? Please also include information on the separate child detention centres to which 594 children suspected by the military of being LTTE members were reportedly sent following the conflict. How many children remain in these facilities?²⁴

18. Please provide information about the State party’s efforts to establish an effective systematic review of all places of detention, including regular detention centres, police stations, Criminal Investigation Division (CID) and Terrorist Investigation Division (TID) facilities, military and military intelligence facilities, and other informal detention facilities; and a national system to react to the findings of the systematic review. According to paragraph 41 of the State party’s report all magistrates are legally empowered to visit and inspect remand prisons. Please indicate how this provision is implemented in practice, and provide data on the number of such unannounced visits conducted by magistrates, disaggregated by location and indicating their findings.²⁵ Please describe further steps taken to ensure the independent monitoring of detention facilities, including those containing individuals being held under the Emergency Regulations.²⁶ Are representatives of non-governmental organizations, including the International Committee of the Red Cross, permitted to conduct regular and unannounced visits to all places of detention?

19. Please provide updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons, including minors, at regular detention centres, police stations, CID and TID facilities, military and military intelligence facilities, and any other informal detention facilities; and the occupancy rates for the detention facilities for the period 2006–2011. Please provide also information on the number of persons deprived of their liberty in psychiatric hospitals and institutions for persons with disabilities and the occupancy rates for those facilities for the period 2006–2011. Please comment on the reports of ill-treatment in detention centres, including severe overcrowding and inadequate facilities.²⁷ Please describe measures taken by the State party to improve these material conditions, including measures have been taken to address the severe overcrowding in the Colombo Remand Prison,²⁸ to ensure that remand prisoners and

²¹ CEDAW/C/LKA/CO/7, paras. 40 and 41 (d); CRC/C/LKA/CO/3-4, para. 64; CRC/C/OPAC/LKA/CO/1, paras. 40–41.

²² CRC/C/OPAC/LKA/CO/1, paras. 28–29.

²³ CCPR/CO/79/LKA, para. 10; CRC/C/OPAC/LKA/CO/1, paras. 14–15 and 36–37.

²⁴ *Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka*, para. 164.

²⁵ See also, CAT/C/LKA/3-4, para. 74 of its supplement; CAT/C/LKA/CO/2/Add.1, para. 6 *in fine*.

²⁶ See, CAT/C/LKA/CO/2, para. 11; A/HRC/13/39/Add.6, recommendations (w) table pp. 211–212.

²⁷ A/HRC/7/3/Add.6, paras. 70–82 (“the situation of torture and ill-treatment) and 83–89 (“conditions of detention”). See also, A/HRC/13/39/Add.6, recommendations (q) and (r) in the table on p. 210.

²⁸ A/HRC/7/3/Add.6, para. 83, and appendix, para. 99.

convicted prisoners are strictly segregated,²⁹ and to establish an independent complaints system for persons deprived of their liberty and their family members.³⁰

20. Please provide information on the steps taken to ensure the special needs of children in detention and the measures taken to address the serious concerns expressed by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/7/3/Add.6, para. 87) and the Committee on the Rights of the Child at the situation of prolonged detention of minors in counter-terrorism detention facilities.³¹

21. With reference to paragraph 65 of the supplement to the State party's periodic report, please provide disaggregated statistical data regarding reported deaths in custody according to location of detention, sex, age, ethnicity of the deceased and cause of death for the period 2006–2011. Please include detailed information on the results of the investigations in respect of those deaths.

Articles 12 and 13

22. Please describe the mandate of the Lessons Learnt Reconciliation Commission (LLRC) established in May 2010 by the President and clarify whether it has investigatory powers and the capacity to refer matters to the courts. Please discuss any steps taken by the State party to address conflicts of interest posed by the appointment of former senior government officials as Commissioners. Please respond to information in the Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka indicating that a number of individuals have presented oral or written testimony to the Commission alleging serious human rights violations including torture, ill-treatment and enforced disappearance. Please indicate how LLRC has documented this testimony and what steps it has taken in response to its receipt, including whether the Commission has referred any incidents to the Attorney General for Criminal Investigations for further investigation. Please also indicate what steps the Government has taken to ensure protection for victims and witnesses seeking to testify before LLRC, following reports that victims have been intimidated following their testimony.³²

23. Please indicate whether the allegations of serious violations of international human rights and humanitarian law, such as torture and ill-treatment, including enforced disappearances, during the end of the Sri Lanka armed conflict in May 2009 have been investigated outside the context of the LLRC process and whether appropriate judicial action has been taken. Please indicate how many cases were prosecuted, the identities of the alleged perpetrators, the charges against them, and the verdicts where applicable. Please provide examples of instances in which individuals have been prosecuted for acts of torture committed by their subordinates. Please specifically indicate whether the State party has conducted an investigation into the events depicted in video footage in an August 2009 United Kingdom Channel 4 news broadcast that appears to depict Sri Lankan Army soldiers executing Tamil captives, following the conclusion in January 2010 of an independent group of forensic experts commissioned by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, that the footage is authentic. Please also respond to allegations in the report of the Secretary-General's Panel of Experts that the CID

²⁹ A/HRC/13/39/Add.6, recommendation (s) table p. 211–212.

³⁰ A/HRC/13/39/Add.6, recommendations (o) table p. 209; letter, dated 21 November 2007, sent to the State party by the Rapporteur for follow-up on concluding observations.

³¹ See, A/HRC/7/3/Add.6, para. 87, and CRC/C/OPAC/LKA/CO/1, paras. 32–35.

³² *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka*, paras. 151, 334–335.

and TID maintained units inside the Menik Farm detention camp which committed torture in the course of interrogating individuals detained in and working at the camp, and indicate whether these allegations have been investigated and with what result.³³

24. Please indicate what steps have been taken to investigate allegations of sexual violence following the end of the conflict in the north-east, in particular in the military-controlled detention camps, as noted by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. Please comment on the information in the report of the Secretary-General's Panel of Experts regarding photo and video footage from the final months of the conflict depicting dead female LTTE cadre and commentary by Sri Lanka Army soldiers raising a strong inference that sexual violence occurred either before or after their execution.³⁴ Please indicate how many cases have been investigated, and how many individuals have been prosecuted and what penalties have been imposed, if any, on those responsible.

25. As requested in its previous concluding observations, please provide the Committee with detailed statistical data, disaggregated by age, sex and ethnicity of the victim, on all complaints made relating to torture, ill-treatment, and enforced disappearance committed by law enforcement officials and security personnel during the reporting period; whether an investigation resulted from the complaint, whether the investigation led to prosecution or disciplinary proceedings, and if not, the reason why not, and whether the accused was convicted and the penal and/or disciplinary sanctions applied.³⁵ Please indicate in each case whether the alleged perpetrator was reassigned, suspended, or dismissed from public service pending the outcome of an investigation into the complaint.

26. Please comment on the status of efforts to prosecute the perpetrators of the 2002 murder of Gerald Perera, who accused several police officers attached to the Negombo Police Station of torture. Please comment on reports by the Asian Human Rights Commission that six policemen charged with torturing Perera were acquitted in 2008 despite the fact that the court found that Perera incurred serious injuries while in their custody. Please also indicate whether the State party has investigated allegations made by former detainees of the TID at Boosa Prison in Galle regarding the use of a variety of torture methods. If so, please indicate the results of these investigations.

27. Please provide information on any investigations and any disciplinary/criminal proceedings related to the following cases reported by non-governmental sources:

(a) The January 2009 assassination of Lasantha Wickremetunga, editor of the *Sunday Leader* and *Morning Leader* newspapers;

(b) The abduction and beating of Poddala Jayantha, general secretary of the Sri Lanka Journalist Association in June 2009;

(c) The January 2009 attack on Upali Tennakoon, editor of the Sinhala-language weekly *Rivira*;

(d) The abduction and enforced disappearance of Stephen Suntharaj, a staff member of the Centre for Human Rights and Development in May 2009;

(e) The abduction of Sankarapillai Shantha Kumar, a member of the NGO consortium in Akkaraipattu, Ampara District in October 2009;

³³ Ibid., paras. 153–163.

³⁴ Ibid., para. 153.

³⁵ CAT/C/LKA/CO/2, para. 19. See also, CAT/C/LKA/3-4, paras. 58–66 and para. 16 of its supplement; A/HRC/13/39/Add.6, para. 85; CAT/C/LKA/CO/2, para. 12.

(f) The enforced disappearances of Pattani Razeek, head of the Community Trust Fund in Puttalam, and Prageeth Eknaligoda, journalist and political cartoonist for Lanka-e-News, in January 2010;

(g) The alleged death in police custody of B. Dinesh Tharanga Fernando and Dhanushka Udayanga Aponsu in Angulana in August 2009;

(h) The September 2008 murder at Dalupotha junction, Negombo, of Siyaguna Kosgodage Anton Sugath Nishantha Fernando, who had made complaints of torture against a senior police officer and other officers.

28. Please elaborate on the respective mandates of the various authorities that are empowered to investigate complaints of human rights violations committed by public officials, including reports of torture and enforced disappearances.³⁶ Please provide details on the steps taken to establish an independent and external oversight body to investigate alleged unlawful acts committed by the police forces, as previously recommended by the Committee.³⁷

29. Please provide the Committee with updated information on the status of the draft bill on Witness and Victims of Crime Protection, which was presented to the Sri Lankan Parliament in 2008.³⁸ Please provide the number of requests for protection or complaints of intimidation or harassment received from witnesses and victims in cases of torture and ill-treatment during the reporting period. Please indicate how many requests for protection were honoured and how many complaints were subsequently investigated, and with what outcome.

Article 14

30. Please indicate whether victims of torture have an enforceable right to fair and adequate compensation and the procedure for enforcing this right. Please provide statistical data on redress measures, including compensation and the means for rehabilitation, ordered by the courts and actually provided to the victims of torture, or their families, since 2006.³⁹

31. Please indicate what programmes, if any, have been established to assist victims of torture and ill-treatment committed in the course of the armed conflict, and thereafter in the north-east and, if so, the amount of funds that have been allocated and disbursed for such assistance.

32. Please clarify whether the right to compensation depends on the existence of a judgement in criminal proceedings ordering compensation. Can compensation be obtained by a victim of torture or ill-treatment if the perpetrator has been subjected to a disciplinary, but not a penal, sanction?

33. Please indicate whether the State party makes physical, psychological, and social rehabilitation services available to all victims of torture. Please provide further information on the “integrated medical, psychological and counselling services for victims of torture”

³⁶ CAT/C/LKA/CO/2/Add.1, para. 20.

³⁷ A/HRC/13/39/Add.6, recommendation (e) in table on p. 204.

³⁸ CAT/C/LKA/CO/2, para. 15; CAT/C/LKA/3-4, paras. 49–56; CRC/C/OPAC/LKA/CO/1, paras. 30–31; A/HRC/13/39/Add.6, para. 85 and recommendation (l) in table on p. 208.

³⁹ See, CAT/C/LKA/3-4, para. 74 of its supplement.

referenced in paragraph 76 of the supplement to the State party's report, including whether the Government is providing financial and/or other support for their effective functioning.⁴⁰

Article 15

34. Please provide examples of cases in which individuals have alleged that State officials compelled persons to confess to a crime under torture, and inform the Committee of any measure taken to ensure that these statements were not admitted as evidence in court and that the burden of the proof rests with the prosecution to prove that such confessions were provided voluntarily.⁴¹ Please comment on reports that confessions obtained by coercive means, including torture, have been admitted as evidence in cases under the Prevention of Terrorism Act. Do magistrates order independent medical examinations of suspects ex officio?

Article 16

35. According to the information before the Committee, at least 15 journalists have been killed since 2006 and dozens others have fled the country after receiving death threats.⁴² Please comment on the reports that, following the presidential election in 2010, human rights defenders and critical civil society actors have suffered harassment, including in the form of arrests and death threats against several prominent newspapers editors, trade unionists and State employees who supported the opposition and independent web-based media professionals. Please provide information on the measures taken to address such harassment and to protect persons engaged in such activities.

36. Please indicate the measures taken to ensure that corporal punishment of children is explicitly prohibited in all settings, including in the home, schools, alternative childcare and places of detention for juveniles.⁴³

Other

37. Please indicate whether the State party is considering accepting the competence of the Committee under articles 21 and 22 of the Convention.

38. With reference to paragraph 100 of the State party's report, please provide information on measures taken to ratify the Optional Protocol to the Convention.

39. Does Sri Lanka intend to ratify the Rome Statute of the International Criminal Court?

⁴⁰ CAT/C/LKA/CO/2, para. 16; See also, A/HRC/13/39/Add.6, para. 86, recommendation (v) in table on p. 211.

⁴¹ A/HRC/13/39/Add.6, recommendations (g) and (h) in table on p. 206.

⁴² CCPR/CO/79/LKA, para. 17.

⁴³ CRC/C/LKA/CO/3-4, paras. 40–41 and 48–49; and, A/HCR/13/39/Add.6, recommendation (p) table in p. 210.