

## **Torture**

Mr. Vice President,

There were some concerns expressed, and questions pertaining to **Torture**.

-As the Leader of Delegation, Deputy Minister Dr Harsha de Silva said in his opening remarks, the Cabinet of Ministers, at their Meeting held yesterday, having considered a proposal submitted to Cabinet, **approved Sri Lanka's accession to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**. The Cabinet of Ministers has also approved the appointment of the **Human Rights Commission of Sri Lanka** as the **National Preventive Mechanism** for the purpose of compliance with the Optional Protocol.

Mr. President,

-Torture is an abhorrent practice which the Government does not, in any way, condone. The Government **condemns** any and all acts of torture, and is committed firmly, to ensure that allegations of torture committed in the country will be investigated and prosecuted to the full extent of the law.

-The Government seeks the assistance and cooperation of all those relevant parties in this endeavour, including parties outside the country, as evidence is key in the conduct of investigations.

-The Government has taken numerous concrete steps to prevent the commission of torture. I will briefly list some of them. However, Sri Lanka's accession to the Optional Protocol, we are confident, will be a very important step in preventing and combating torture in future. We intend to accede to the Optional Protocol at the earliest.

-Some of the steps taken for prevention and combating torture include

-Strengthening the National Human Rights Commission and ensuring that they are granted access to places where there may be complaints of torture.

-Issuance of orders to all police and security officials forbidding torture of any kind, with punishment to the full extent of the law, if violated.

-Issuing a standing invitation to Special Rapporteurs with 6 visits having taken place already since January 2015. Dialogues with Special Rapporteurs and their findings assist us in taking steps for prevention, and investigation.

-We have welcomed and continue to welcome visits by human rights organisations, including to the places where allegations of torture have been made, so that they can see for themselves that such illegal and reprehensible actions are not taking place in the country. Accession to the Convention that will facilitate access being provided to the Sub Committee, we believe will be an important step in dealing with torture.

-The National Human Rights Action Plan (2017-2021) which was launched recently, has a complete chapter on the Prevention of Torture, with indicators for action to be taken, and we are committed to its implementation.

-The President of Sri Lanka himself participated in a march organized by the National Human Rights Commission in June 2016, to advocate against torture and affirm the Government's **zero tolerance policy** on torture at the highest level of Government.

-A Committee on Prevention of Torture, established by the Ministry of Law & Order, chaired by the Secretary to the Ministry, convenes monthly meetings to discuss the progress made by relevant stakeholder institutions in ensuring Government's *zero tolerance policy on torture*.

- Following a decision of the Committee on Prevention of Torture, a series of one-day workshops were organized for the Senior Superintendent of Police & Superintendent of Police in all divisions of the Country and Investigative Units, such as TID, CID, CIB, all Officers-in-Charge of Police Stations (483 in total) in the months of November/December 2016.
- The total number of officers trained in 5 batches was 800. The Minister of Law & Order, the Secretary to the Ministry of Law and Order, and the Inspector General of Police attended all workshops in order to emphasize at the highest level, the Government's commitment to the *zero tolerance policy* on torture and to prohibit the use of torture as a means of investigation. The officers were informed that action will be taken against any errant member of Police on three fronts. i.e. disciplinary action, criminal charges under the Convention Against Torture Act, and civil suits.
- An important decision made by the Committee is the decision to initiate investigations regarding cases under Article 11 of the Constitution, once the Supreme Court grants leave to proceed for such cases. Earlier no such action was taken until the Supreme Court delivers judgment on a case.
- A recent judgement delivered by the Court of Appeal (12/2016) stipulating the investigation procedure regarding complaints of

torture has been circulated among all police officers through an internal circular.

- All high-ranking officers have been instructed to reiterate the above during instruction classes that are conducted for their subordinates on a weekly basis.
- A special unit has been established under the Deputy Inspector General (Legal) to monitor complaints relating to assault and torture by members of the Police. The unit:
  - Monitors internal messages regarding public complaints on assault and torture that are received from territorial Superintendents of Police (SPs).
  - Monitors media report on the above and compares statistics in such reports with the internal messages received.
  - In the event of a discrepancy, instructs the territorial SPs to send reports on matters raised in the media which they have failed to report on.
- In the year 2017 (to-date) disciplinary action has been taken against 33 members of the Police for assault and torture, while one officer has been dismissed. Disciplinary matter pertaining to 100 Police Officers are currently pending. In 2017, 28 complaints of assault and torture have been received so far.
- A Special Investigation Unit (SIU) functions directly under the Inspector General of Police (IGP) and conducts investigations including through the use of scientific evidence. SIU comprises skilled officers who are trained in collecting not only physical evidence but also forensic evidence. The standards stipulated in the *Istanbul Protocol* on mechanism to investigate torture cases, have

been incorporated into the Police training curricular. Almost all the convictions, legal action, disciplinary action against Police Officers referred to above have been taken based on investigations conducted by the SIU. The SIU has no decision making power with regard to the action to be taken after an investigation and such decision making is done only by the Attorney General's Department.

The Government of Sri Lanka does not condone or tolerate any form of torture, and seeks to work with all, including bilateral partners, as well as international organizations, to seek their assistance in terms of sharing experiences and expertise, as well as technical support, to ensure the elimination of this despicable practice and prosecute anyone responsible.