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Sri Lanka: UN review highlights ongoing human rights abuse and impunity

The UN Human Rights Committee review of Sri Lanka has once again highlighted the vast disconnect between Sri Lanka's promises to Sri Lankan citizens and the UN to improve human rights protection in the country and to tackle the grave reality of ongoing abuse and impunity.

On 7 October, the Committee considered Sri Lanka's fifth periodic report on its implementation of the International Covenant on Civil and Political Rights, a key human rights treaty, and asked Sri Lanka's delegates for clarifications on important points. Today the Committee made public its Concluding Observations on that engagement.

The Committee expressed concern about a wide range of human rights issues, including Sri Lanka's continued application of the Prevention of Terrorism Act (PTA); impunity for human rights violations by State and non-State actors; arbitrary arrest and detention, extrajudicial killings; enforced disappearances; torture and other ill-treatment of detainees, and sexual and gender-based violence against women. It called on Sri Lanka to end attacks against Christians and Muslims and said Sri Lanka should investigate and prosecute all reported incidents of violence against ethnic and religious minorities. Amnesty International welcomes the Committee's far-reaching recommendations to address these problems and calls on authorities to move swiftly to fully and effectively implement them.

The Committee also recommended that Sri Lanka repeal the 18th Amendment to the Constitution, and called on the authorities to protect the safety and independence of its judiciary.

Amnesty International agrees that the 18th Amendment should be repealed. It empowers the President to appoint and dismiss members of the judiciary and other bodies whose independence and impartiality is crucial to effective human rights protection. The government has used the 18th Amendment to consolidate power at the expense of this independence and the impact is felt throughout the justice system, which does not protect detainees adequately from abuse or deliver justice for violations.

Despite official denials, Amnesty International finds that torture and other ill-treatment of detainees is rampant. The Committee expressed concern about reports of torture and other ill-treatment, including sexual violence, of adults as well as juveniles who are arrested or detained. Amnesty International has received numerous reports of former detainees alleging torture, sometimes sexual, in detention centres run by police, the army or intelligence services.

The Sri Lankan government has denied the routine use of torture in the country, and has refused to investigate the widespread reports of the practice or to hold those suspected to be responsible to account. Sri Lanka should put more effort into actually ending human rights violations and impunity of perpetrators than it does into defending itself against criticism. The Committee clearly saw through the government's repeated denials and empty promises.

For the third time in reviews since 1995, the Committee expressed concern about Sri Lanka's Prevention of Terrorism Act (PTA). The Committee noted that provisions of the PTA include restrictions on freedom of expression and association, arbitrary searches and arrests, prolonged detention without charge or trial, and the reversal of the burden of proof when detainees allege that they have made confessions as a result of torture or other ill-treatment.

Amnesty International has documented the Sri Lankan government's continued use of the PTA to arrest and detain people without due process and to silence dissent. The PTA also contributes to the persistence of torture and ill-treatment of detainees in Sri Lanka. Amnesty International has called for its

repeal.

The Committee also expressed concern over Sri Lanka's failure to investigate and prosecute perpetrators of human rights violations, and noted in particular continued lack of effective investigations and prosecutions of perpetrators in two cases of killings from 2006 in Muttur and Trincomalee. Justice in these two emblematic cases has long been frustrated.

The failure after eight years to prosecute anyone in the execution-style killings of five students by members of the security forces in Trincomalee in January 2006 and the massacre of 17 aid workers in Muttur in August of that year highlights the deep problem of impunity in Sri Lanka.

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Link to Concluding Observations:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=811&Lang=en