

Human Rights Committee Communication 2087/2011 Guneththige v Sri Lanka

Submission by The Redress Trust and the Asian Legal Resource Centre

Date: 6 February 2017

I. Background

1. We write in follow up to the Views adopted in the case of *Guneththige v Sri Lanka* by the United Nations (UN) Human Rights Committee (the Committee), in the absence of a response from the State party within the required 180 day time period.
2. Thissera Sunil Hemachandra died on 26 July 2003 following injuries sustained while in police custody. When Sunil's Aunt, Ms. Piyawathie Guneththige, had visited him in hospital he told her that he had been brutally assaulted by police officers. In July 2011 Sunil Hemachandra's Mother (Ms. Misilin Nona Guneththige) and Aunt (the authors) filed an individual petition with the Committee, represented by non-governmental organisations the Asian Legal Resource Centre (ALRC) and The Redress Trust (REDRESS). The Views regarding this case were adopted by the Committee on 30 March 2015 during its 113th session and published on 7 May 2015.
3. The Human Rights Committee, acting under article 5 (para. 4) of the Optional Protocol to the International Covenant on Civil and Political Rights (the Optional Protocol), found violations by the State party of article 6 (para.1), read alone and in conjunction with article 2 (para.3), of article 7, and of article 9 (paras. 1, 2 and 4) in respect of Sunil Hemachandra (son and nephew of the authors: Misilin Nona Guneththige and Piyawathie Guneththige); as well as violations of article 2 (para. 3), read in conjunction with article 7, in respect of the authors.¹
4. In accordance with article 2 (para. 3(a)) of the International Covenant on Civil and Political Rights (the Covenant or the ICCPR), the Committee held that the State party is under an obligation to provide the authors with an effective remedy, including:
 - a prompt, thorough and independent investigation into the facts;
 - ensuring that the perpetrators are brought to justice; and
 - ensuring reparation, including the payment of adequate compensation and a public apology to the family.
5. The State party was also requested to take measures to ensure that such violations do not recur in the future and was requested to publish the Views, and to have them translated into the official languages of the State party and widely disseminated.²

II. The State party's response

6. In the Views adopted in this case the Committee identified that it wished to "receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views." However, although it is now significantly more

¹ UN Human Rights Committee, *Guneththige v Sri Lanka*, Communication No. 2087/2011, UN Doc. CCPR/C/113/D/2087/2011, Views adopted on 30 March 2015, (*Guneththige Views*) para 7.

² *Ibid*, paras 8-9.

than a year since these Views were adopted the State party has failed to provide such information, or to take steps to implement the Views.

7. The State party ratified the ICCPR in 1980 and the Optional Protocol in 1997. In this context it is relevant to recall that, pursuant to Article 26 of the Vienna Convention on the Law of Treaties, every Treaty in force is binding upon parties to it and must be performed by them in good faith.
8. By becoming a party to the Optional Protocol, the State party recognised the competence of the Committee to receive individual petitions and to determine whether there has been a violation of the ICCPR.³ Pursuant to article 2 of the Covenant, the State party has undertaken to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the Covenant without distinction of any kind. The State party has undertaken to ensure that any person whose rights or freedoms as recognised in the Covenant are violated shall have an effective and enforceable remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.
9. We note that in spite of the State party's obligations, since the adoption of the Views by the Committee, the Authors and their legal representatives have received no correspondence or contact from the State party in relation to the steps it plans to take in relation to this case or to ascertain the views of the Authors on appropriate forms of reparation. In the absence of such a response we will outline in this submission the remedies recommended by the Committee and propose steps to be taken by the State party to ensure that they are implemented effectively.
10. For ease of reference, we take each of the remedies recommended in turn.

III. Prompt, thorough and independent investigation into the facts and prosecution of perpetrators

11. In the Views the Committee recalled that “criminal investigation and consequential prosecution are necessary remedies for violations of human rights such as those protected by articles 6 and 7 of the Covenant”⁴ and concluded that “the State party's investigations into the suspicious circumstances of the death of Sunil Hemachandra were inadequate.”⁵ The Committee thus held that “the State party is under an obligation to provide the authors with an effective remedy, which includes a prompt, thorough and independent investigation into the facts.”⁶
12. When investigations reveal violations of certain Covenant rights, including articles 6 and 7, States parties must ensure that those responsible are brought to justice.⁷ The Committee has noted that:

³ UN Human Rights Committee, General Comment No. 33, *The Obligations of States Parties under the Optional Protocol to the International Covenant on Civil and Political Rights*, UN Doc. CCPR/C/GC/33, 5 November 2008, paras 13 and 15.

⁴ *Guneththige Views*, para 6.3

⁵ *Guneththige Views*, para 6.3.

⁶ *Guneththige Views*, para. 8. See also, UN Human Rights Committee, Concluding observations on the fifth periodic report of Sri Lanka, UN Doc. CCPR/C/LKA/CO/5, 21 November 2014, para 16(a).

⁷ GC 31, para 18.

These obligations arise notably in respect of those violations recognized as criminal under either domestic or international law, such as torture and similar cruel, inhuman and degrading treatment (article 7), summary and arbitrary killing (article 6) and enforced disappearance (articles 7 and 9 and, frequently 6).⁸

13. Failure by a State Party to investigate allegations of violations can in and of itself give rise to a separate breach of the Covenant.⁹ In 2015 the Committee observed that “although close to 12 years have elapsed since the death of Sunil Hemachandra, the authors still do not know the exact circumstances surrounding it, and the State party’s authorities have not indicted, prosecuted or brought to justice anyone in connection with this custodial death in suspicious circumstances.”¹⁰ Recognising “the continued anguish and mental stress caused to the authors, as close relatives of a deceased detainee” the Committee found that these failures amount to a breach of article 2(3) read in conjunction with article 7, in relation to the authors.¹¹
14. As with the failure to investigate, failure to bring to justice the alleged perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant.¹² As noted above, the continued anguish and mental stress caused to the authors by the State party’s failure to bring the alleged perpetrators to justice constitutes such an ongoing violation of the authors’ rights.¹³
15. More than a year after these Views were adopted - and more than 13 years after the incidents which led to Mr. Hemachandra’s death in the custody of the State party - this violation of the authors’ rights remains ongoing. In this context, the State party should be reminded that in General Comment No. 31 the Committee recognised that “[c]essation of an ongoing violation is an essential element of the right to an effective remedy.”¹⁴
16. **Suggested course of action:** We recall that all investigative steps taken by the State party to date were carried out by officers of Moragahahena Police Station - that is, the same police forces that arrested and detained Sunil Hemachandra - and that shortcomings in the investigation were not addressed or remedied. We thus call on the State party to create a team of appropriately qualified and independent investigators and prosecutors, tasked to immediately carry out an effective and thorough investigation into the arrest, detention, torture, cruel, inhuman and degrading treatment and custodial death of Mr. Hemachandra capable of revealing the truth of what happened and identifying the persons responsible. Furthermore, the State party should proceed with a prosecution of those against whom there is evidence of their involvement in those events.

⁸ GC 31, para 18

⁹ UN Human Rights Committee, General Comment No. 31, *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 29 March 2004, UN Doc. CCPR/C/21/Rev.1/Add.13, (‘HRC GC 31’), para 15. See also, UN Human Rights Committee, General Comment No. 20, ,

¹⁰ *Guneththige Views*, para 6.6.

¹¹ *Guneththige Views*, para 6.6.

¹² GC 31, para 18.

¹³ *Views*, para 6.6.

¹⁴ GC 31 , para 15. See also, UN Basic Principles and guidelines on the Right to a Remedy and Reparation, para 22. *Satisfaction* should include, where application, any or all of the following: (a) Effective measures aimed at the cessation of continuing violations.

17. Such investigation should comply with international standards, including those set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).¹⁵ In light of concerns expressed by this Committee and the UN Committee against Torture regarding the adequacy and independence of investigations in cases of deaths in custody and torture in Sri Lanka, particular attention should be paid to independence and effectiveness.¹⁶
18. The new investigation must cure the defects of the earlier investigation, including by considering alternative origins of the injuries on Mr. Hemachandra's body as referenced in the JMO *post mortem* examination report, such as a "heavy blow to the back of the body either with a weapon or a kick with boots on."¹⁷
19. Such investigation and prosecution should allow the authors to participate if they so desire and should keep the authors' representatives fully and regularly informed of steps taken and progress achieved. Furthermore, the final results of the investigation should be communicated to the authors and their representatives in order to ensure that their right to the truth is fully respected and so that they can avail themselves of any further remedies to review the decision to terminate the investigation or not to pursue charges against those against whom there is evidence of criminal wrongdoing. The Committee should further be kept informed of steps taken to comply with the Views adopted.

IV. Ensuring Reparation, including the payment of adequate compensation and a public apology to the family

20. Article 2, paragraph 3, requires that States parties make reparation to individuals whose Covenant rights have been violated. Without such reparation, the obligation to provide an effective remedy - which is central to the efficacy of article 2, paragraph 3 - is not discharged.¹⁸
21. According to the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, victims of gross violations of international human rights law are entitled to the following forms of reparation: restitution, compensation, rehabilitation, satisfaction (which can include public apologies), and guarantees of non-repetition.¹⁹

¹⁵ Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, OHCHR Professional Training Series No. 8/Rev. 1 ("Istanbul Protocol") (2004), Chapter I (Relevant international Legal Standards).

¹⁶ See e.g. UN Committee against Torture, Concluding observations of the Committee against Torture regarding Sri Lanka, UN Doc. CAT/C/LKA/CO/2, 15 December 2005, para 12; UN Committee against Torture, Concluding observations of the Committee against Torture regarding Sri Lanka, UN Doc. CAT/C/LKA/CO/3-4, 8 December 2011, para 15; UN Human Rights Committee, Concluding observations on the fifth periodic report of Sri Lanka, UN Doc. CCPR/C/LKA/CO/5, 21 November 2014, para 16(a); UN Committee against Torture, Concluding Observations on the fifth periodic report of Sri Lanka, Advanced Unedited Version, adopted 30 Nov 2016, paras 19-20.

¹⁷ Cause of Death Statement dated 29 July 2003, page 2, para (e)1.

¹⁸ GC 31, para 16

¹⁹ GC 31, para 16; UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, paras 15-23.

i. Compensation

22. The Committee has explained that “[i]n addition to the explicit reparation required by articles 9, paragraph 5, and 14, paragraph 6, the Committee considers that the Covenant generally entails appropriate compensation.”²⁰ International standards, such as the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation and the jurisprudence of human rights treaty bodies, recognise that a state responsible for gross violations of international human rights law must provide compensation “for any economically assessable damage”.²¹ Such compensation must be adequate, i.e. proportionate to the gravity of the violation, in this case violations of article 6 (para.1), read alone and in conjunction with article 2 (para.3), of article 7, and of article 9 (paras. 1, 2 and 4) in respect of Sunil Hemachandra; and of article 2 (para. 3), read in conjunction with article 7, in respect of the authors. Compensation awarded should cover pecuniary (material) and non-pecuniary (non-material) harm resulting from the human rights violations.
23. *Pecuniary (Material) damages* encompass any costs incurred as a result of the violation, including “costs required for legal or expert assistance, medicine and medical services, and psychological and social services”, “lost opportunities, including employment, education and social benefits” and “loss of earnings, including loss of earning potential”.²²
24. *Non-pecuniary (non-material) damages* are awarded for the pain and suffering inflicted and endured by the victims of the violation.²³ Non-pecuniary damages are meant to compensate for harm, pain and suffering, including mental anguish, humiliation and a sense of injustice.
25. One of the main functions of compensation in cases of serious human rights violations is to provide redress for harm to the physical and psychological well-being of a person, as in such cases, *restitutio in integrum* (restoring the situation before the breach) is typically not possible. In determining the compensation to be awarded as required pursuant to the Committee’s Views, the State party should have regard to the practice adopted by human rights courts and tribunals in assessing compensation in cases where human rights have been violated.
26. For example, human rights treaty bodies regularly award compensation to victims of human rights violations for loss of past and future earnings. The Committee has considered that the lost earnings of the victim should be calculated on the basis of salaries the victim would have received.²⁴ In a case of extra-judicial killing, the Inter-American Court of Human Rights considered that “lost-earnings, which correspond in this case to the loss of income caused by the non-voluntary

²⁰ GC 31, para 16

²¹ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, para 20.

²² *Ibid*, para 20.

²³ *Ibid*, para 20.

²⁴ UN Human Rights Committee, *Adrien Mundy Busyo et al. v Democratic Republic of the Congo*, Communication No. 933/2000, UN Doc. CCPR/C/78/D/933/200 (2003), para 6.2.; See also, Inter-American Court of Human Rights, *Caracazo v Venezuela*, Reparations and costs, Judgment of 29 August 2002, Ser. C No. 95, para 82.

interruption of the victims' work life, must be quantified based on certain objective indicators (age of the deceased, life expectancy in the country, the victims' occupational activity, wages earned or minimum monthly wage in force in the country).²⁵

27. The right to non-pecuniary damages is similarly well established in the jurisprudence of human rights treaty bodies. Typically non-pecuniary or non-material damages have been awarded for anxiety,²⁶ anger,²⁷ frustration,²⁸ humiliation,²⁹ loss of reputation,³⁰ loss of opportunities or loss of a relationship,³¹ pain and suffering of the victim and family members,³² psychological harm,³³ and mental anguish.³⁴ In determining the amount, the gravity of the circumstances of the case, the intensity of the grievance, and suffering and other non-material consequences experienced by the victim's family are taken into account.³⁵ The State party should note that non-material damages have been awarded not only for the infliction of torture but also for the suffering caused by the failure to investigate complaints of torture.³⁶
28. **Suggested course of action:** The Government of Sri Lanka should contact the authors through their counsel and obtain an estimate from them regarding pecuniary and non-pecuniary damages incurred. The State party should ensure payment of full and adequate compensation to the authors pursuant to the Committee's case-law in similar cases, in respect of the violations of the Covenant committed against the deceased victim and against the authors. Torture and death in custody are some of the most serious human rights violations, and since the damage (both pecuniary and non-pecuniary) to the authors has been significant, the authors are entitled to

²⁵ Inter-American Court of Human Rights, *Caracazo v Venezuela*, *ibid*, para 80(d). See also, ECtHR, *Ghimp and others v The Republic of Moldova*, Application no. 32520/09, 30 October 2012

²⁶ ECtHR, *Lopez Ostra v Spain*, application no 16798/90, Judgment of 9 December 1995, para. 65.

²⁷ ECtHR, *Wilson, NUJ & Ors v United Kingdom*, application nos 30668/96, 30671/96 and 30678/96, Judgment of 2 July 2002, para. 61

²⁸ ECtHR, *Van Der Leer v Netherlands*, application no. 11509/85, Judgment of 21 February 1990, para. 42.

²⁹ ECtHR, *Young James and Webster v United Kingdom (Art. 50)*, application nos 7601/76, 7806/77, Judgment of 13 August 1981, para. 12; ECtHR, *Novoselov v Russia*, application no. 66460/01, Judgment of 2 June 2005, para. 50.

³⁰ ECtHR, *Allent de Ribemont v France*, application no. 15175/89, Judgment of 10 February 1995, para. 62. See also IACHR, *Chaparro Alvarez y Lapo Iniguez v Ecuador*, Preliminary Objections, Merits, Reparations and Costs, Judgment of 21 November 2007, Ser. C No. 170, paras. 250-252

³¹ ECtHR, *H v United Kingdom*, application no. 9580/81, Judgment of 9 June 1988, para. 12; *W v United Kingdom (Article 50)*, application no. 9749/82, Judgment of 9 June 1988, para. 12.

³² ECtHR, *Ghimp and others v The Republic of Moldova*, Application no. 32520/09, 30 October 2012, paras 66-68; IACHR, *Velásquez Rodríguez v Honduras*, above n. 26, para. 51; IACHR, *Loayza Tamayo v Peru*, Reparations, Judgment of 2 November 1998, Ser. C No. 42, paras. 138 and 142.

³³ ECtHR, *Aydin v Turkey*, application no. 57/1996/676/866, Judgment of 25 September 1997, para. 131.

³⁴ ECtHR, *W v United Kingdom (1988)*, above n.33, para. 12. IACHR, *Gomez-Paquiyaui Brothers v Peru*, Merits, Reparations and Costs, Judgment of 8 July 2004, Ser. C No. 110, para. 216.

³⁵ IACHR, *Loayza Tamayo v Peru*, above n.34, at paras. 138-143; IACHR, *Cantoral Benavides Case v Peru*, Reparations, Judgment of 3 December 2001, Ser. C No. 88, para. 51; see also IACHR, *Case of the "Mapiripan Massacre" v Colombia*, above n.24, paras. 274 (pecuniary) and 285 (non-pecuniary); IACHR, *Case of the Street Children (Villagran-Morales et al) v Guatemala*, Reparations and Costs, Judgment of 19 November 1999, Ser. C No. 63, paras. 88-89. ECtHR, *Kopylov v Russia*, application no. 3933/04, Judgment of 29 July 2010, para. 147.

³⁶ IACHR, *Case of García Lucero et al. v Chile*, Preliminary Objection, Merits and Reparations, Judgment of 28 August 2013, Ser. C No. 267, para. 246.

compensation which adequately reflects those harms, among other forms of reparation. The amount of compensation awarded must cover all the pecuniary and non-pecuniary damage suffered.

29. The compensation must thus be proportionate to the seriousness of the violations and the suffering caused. It must reflect the circumstances of the present case, the gravity of the violations committed by agents of the Government of Sri Lanka and the harm suffered by Mr. Hemachandra and the authors.
30. Calculation of the loss of earnings should take into consideration the fact that Mr. Hemachandra was 34 years old, a healthy and literate man with no criminal record, who was a daily paid labourer. The compensation must also consider the lottery winnings which he had just received and the additional opportunities that this would have opened up for him.
31. Compensation must also include expenses incurred seeking justice and an investigation, including; visiting the Assistant Superintendent of the Police of Horana, on two occasions; complaining to the National Human Rights Commission; participating in the Additional Magistrate's inquiry; and lodging a fundamental rights' petition with the Supreme Court of Sri Lanka.
32. Furthermore, the award must recognise the pain and suffering and continued anguish and psychological pressure suffered by the authors, including due to the violent arrest, detention and subsequent death of Mr. Hemachandra; the "continued anguish and mental stress caused to the authors, as close relatives of a deceased detainee" due to the authorities' persistent refusal to investigate the circumstances surrounding the torture and death of their loved one in custody; as well as - in the case of the second author - witnessing Mr. Hemachandra's violent arrest.

ii. Satisfaction

33. As noted above, in addition to compensation, victims of violations of Covenant rights are entitled to satisfaction.³⁷ The UN Basic Principles specify that satisfaction should include, where applicable:
 - (a) Effective measures aimed at the cessation of continuing violations;
 - (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
 - ...
 - (d) an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
 - (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
 - (f) Judicial and administrative sanctions against persons liable for the violations;
 - (g) Commemorations and tributes to the victims;

³⁷ GC 31, para 16; UN Basic Principles and guidelines on the Right to a Remedy and Reparation, paras 15-23.

(h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.³⁸

34. Suggested course of action: In this case, the Committee has held that reparation provided by the State party should include “a public apology to the family.”³⁹ The State party should issue a public apology containing an unequivocal acknowledgement of the numerous violations of the Covenant in the present case and should further adopt additional measures of satisfaction, including cessation of ongoing violations – the failure to investigate, establish the truth, and prosecute - which cause the authors “continued anguish and mental stress.”⁴⁰

V. Measures to ensure that such violations do not recur in the future

35. The Committee has identified that “the purposes of the Covenant would be defeated without an obligation integral in article 2 to take measures to prevent a recurrence of a violation of the Covenant.”⁴¹ Further, the Committee has noted that “where appropriate, reparation can involve... guarantees of non-repetition and changes in relevant laws and practices...”⁴² In this regard the Views in this case provide that the “State party should also take measures to ensure that such violations do not recur in the future.”⁴³

36. The State party has not provided any information to the Committee or the authors about what steps, if any, have been taken in this regard. In 2016 the UN Special Rapporteurs on the independence of judges and lawyers, and on torture and other cruel, inhuman or degrading treatment or punishment conducted an official visit to Sri Lanka. At the end of the visit, the UN Special Rapporteur on Torture noted that “old and new cases of torture continue to be surrounded by total impunity”⁴⁴ and in his report he concluded that “a culture of torture persists.”⁴⁵ In November 2016 the UN Committee against Torture similarly expressed serious concerns regarding ongoing violations, including “torture during police detention” and “inadequate investigations into allegations of torture and ill-treatment.”⁴⁶

37. Suggested course of action: As outlined in the individual petition in this case, the State party should establish an independent body or institution tasked with investigating complaints into serious human rights violations committed by police officers and other law-enforcement personnel pursuant to recommendations made by

³⁸ UN Basic Principles and guidelines on the Right to a Remedy and Reparation, para 22.

³⁹ *Guneththige* Views, para 8. See also, UN Basic Principles and guidelines on the Right to a Remedy and Reparation, para 22(e)

⁴⁰ *Guneththige* Views, para 6.6.

⁴¹ GC No. 31, para 17.

⁴² GC No. 31, para 16.

⁴³ *Guneththige* Views, para 8.

⁴⁴ UN Office of the High Commissioner for Human Rights, UN experts urge Sri Lanka to adopt urgent measures to fight torture and strengthen justice system’s independence, 10 May 2016. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19946&LangID=E>

⁴⁵ Report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka, 22 Dec. 2016, A/HRC/34/54/Add.2, para 22.

⁴⁶ UN Committee against Torture, Concluding Observations on the fifth periodic report of Sri Lanka, Advanced Unedited Version, adopted 30 Nov 2016.

the UN Committee Against Torture.⁴⁷ This body or institution should be capable of documenting and investigating torture and cruel, inhuman and degrading treatment and punishment pursuant to the pertinent international standards including those contained in the Istanbul Protocol.

38. We recall the assessment of the UN Special Rapporteurs on torture and independence of lawyers and judges that “The administration of justice must be more transparent and democratic. Transparent procedures and institutions play an important role in strengthening democracy and protecting from arbitrariness.”⁴⁸ In light of this assessment we submit that in order to prevent the recurrence of these violations the State party should consider additional measures identified in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, in particular:⁴⁹

- Ensuring effective civilian control of military and security forces;
- Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
- Strengthening the independence of the judiciary;
- Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;
- Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises.

39. We request that the State party keep the authors (through their representatives) informed of actions taken.

VI. Translation, Publication and Dissemination of the Views

40. The State party has not provided information on the Committee’s request that it translate, publish and disseminate the Views and to our knowledge no action has been taken in this regard.

41. ***Suggested course of action:*** We request that the State Party provides the authors, through their legal representatives, with an update on progress in translating the Views as well as plans and proposed timing of publication and dissemination of the Views.

⁴⁷ UN Committee against Torture, Concluding observations of the Committee against Torture regarding Sri Lanka, UN Doc. CAT/C/LKA/CO/2, 15 December 2005, para 12(a); UN Committee against Torture, Concluding Observations on the fifth periodic report of Sri Lanka, Advanced Unedited Version, adopted 30 Nov 2016, paras 19-20.

⁴⁸ UN Office of the High Commissioner for Human Rights, UN experts urge Sri Lanka to adopt urgent measures to fight torture and strengthen justice system’s independence, 10 May 2016. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19946&LangID=E>

⁴⁹ UN Basic Principles and guidelines on the Right to a Remedy and Reparation, para 23.

VII. **Conclusion**

42. We propose that the State party develops and shares with the Committee, REDRESS and ALRC an implementation plan. REDRESS and ALRC are available to assist the Committee in working with the State party to take steps in order to comply with the Views, and to engage with the State party either directly or through the Committee.