



## **EXTRAJUDICIAL KILLINGS**

### **SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES**

#### **Extrajudicial killings**

Six recommendations in its first UPR concerned extrajudicial killings concerning investigations and prosecutions of all allegations of extrajudicial, summary or arbitrary killings and to implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions. Sri Lanka was further recommended to enhance its capacity in the areas of crime investigations, the judiciary and the NHRC with the assistance of the international community. In the second cycle Sri Lanka noted the one recommendation that referred to extrajudicial executions; the Holy See recommended investigating all allegations of extrajudicial killings and follow-up according to justice requirements.

#### **Torture**

Over two UPR cycles, Sri Lanka received 19 recommendations on torture. Eight recommendations concerning ratification of the Optional Protocol to the Convention Against Torture were noted. In 2008, a recommendation on supporting the establishment of a OHCHR field presence was also noted. A Senior Human Rights Advisor has been working in the UN Country Team in Sri Lanka since June 2004. At the same review, Sri Lanka accepted to implement the recommendations of the Special Rapporteur on torture. In its second review in 2012, all recommendations relating to torture were noted.

#### **Impunity**

In the first cycle, Portugal's recommendation to "Combat impunity" was noted. While the second cycle recommendation made by Argentina to "pursue its efforts to fight against impunity for serious human rights violations committed during the internal armed conflict" was accepted, the recommendation by the United States of America to "end impunity for human rights violations and fulfil legal obligations regarding accountability" was noted. Other noted recommendations concerned accession to the Rome Statute and contained elements on zero tolerance for impunity, and non-impunity in the judicial process on all alleged enforced disappearance cases

### **NATIONAL FRAMEWORK**

The ordinary criminal law procedure applies, including the Penal Code and Criminal Procedure Code, to all complaints of criminal acts. There is no legal mechanism or practice of initiating special investigations and convening independent investigation teams by the Sri Lanka police for crimes classified as state violence including for instances of extrajudicial killings. Any investigation is dependent on the political willingness to enable families to pursue justice and therefore is not accessible to all as of right..

Death in custody is investigated under chapter 33 of the Code of Criminal Procedure Code (CrPC) Act. Certain elements of this chapter in the CPC on investigations into sudden deaths lack a proper system to investigate deaths in custody., but it lacks a proper system for adequate investigations.

The State of Sri Lanka has time and time again declared at international fora including to UN Committees that Sri Lanka has a zero tolerance policy towards torture.



### CHALLENGES

No right to special investigation mechanism or practice established by the Sri Lanka Police to independently convene special investigation teams and mobile personnel and resources to investigate state violence or political motivated violence or violence perpetrated by politically connected persons resulting in extra judicial killings.

### IMPACT

Families who that have lost members to incidents of extra judicial killings are dependent on political willingness to have their individual cases investigated and prosecuted. There is no mechanism and no system of requesting/ calling for as of right for a special investigations. There is also no a lack of confidence among the public that the Sri Lanka police and other agencies involved in the investigation will conduct it conducting such investigation independently and without interference.

### RECOMMENDATIONS

1. Immediately initiate special investigations, with rigorous systems for victim and witness protection and evidence gathering for pending cases of extra judicial killings including deaths of Lasantha Wickrematunga, Waseem Thajudeen, 5 students from Trincomalee in 2006, Roshen Chanaka in May 2011, 27 inmates of Welikada Prison killed in November 2012, Nimal Chandrasiri Dasanayake killed in custody of the police in November 2012, K.A. Akila Dinesh Jayawardena, a 17-year-old boy, Sunanda Perera and D. D. Siriwardena killed in August 2013 in Rathupaswala, killing of two individuals within the Chunnaham Police Station in 2016.
2. Adopt guidelines to investigate death in custody to ensure adherence to international standards namely the Minnesota Protocol and on the ICRC Guidelines on Investigation Deaths in Custody. documents on investigating death in custody.