

Joint Civil Society Statement on Holding Sri Lanka Accountable for Violations of the Convention against Torture and Other Ill-Treatment

We, the undersigned civil society organizations, respectfully urge States Parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) to take action against Sri Lanka for violations of the Convention, in solidarity with Sri Lanka's victims of torture and other ill-treatment, who have endured impunity for decades. Sri Lanka joined the Convention in 1994.

Since 1979, Sri Lanka has used the Prevention of Terrorism Act (PTA) to arbitrarily arrest and detain, forcibly disappear, and torture individuals,¹ disproportionately targeting Tamils.² During the internal armed conflict (1983–2009), Sri Lankan security forces' torture and other ill-treatment of Tamil detainees was "endemic,"³ widespread, and systematic,⁴ with many subjected to rape and other forms of sexual violence.⁵ Tens of thousands of Tamils were forcibly disappeared,⁶ which can, under certain circumstances, constitute torture or other ill-treatment of the disappeared person.⁷ The vast majority of their families still do not know what happened due to the government's deliberate withholding of information about the fates and whereabouts of the disappeared,⁸ which may constitute torture and other ill-treatment.⁹ According to United Nations investigations, there are credible allegations that during the final stage of the armed conflict, the Sri Lankan government deliberately denied the Tamil civilian population's access to food, medical care, and other humanitarian assistance, despite knowing the increasingly desperate situation of civilians,¹⁰ conduct that could amount to torture and other ill-treatment.

Sri Lanka's own National Human Rights Commission, in its 2016 submission to the UN Committee against Torture, noted that "torture is routinely used in all parts of the country regardless of the nature of the suspected offence for which the person is arrested."¹¹ Since the end of the armed conflict, multiple UN human rights mechanisms have reported on security forces' torture and other ill-treatment of Tamil detainees, including the Special Rapporteur on Torture,¹² the Special Rapporteur on Counter-Terrorism and Human Rights,¹³ and the Office of the UN High Commissioner for Human Rights (OHCHR).¹⁴ OHCHR recorded allegations of security forces' torture, other ill-treatment, and sexual violence against Tamils, mainly in the Northern Province, as recently as 2024.¹⁵ Also, OHCHR's August 2025 report on Sri Lanka noted that UN human rights mechanisms "have repeatedly raised concerns about the routine use of torture and other forms of ill-treatment," which may have resulted in several deaths in custody.¹⁶

All the while, impunity has been deeply entrenched over successive Sri Lankan administrations. For example, in May 2025, the current government falsely claimed that "civilians were protected at all times" by the military during the war's final months.¹⁷ Impunity has also contributed to the continuing prevalence of torture and other ill-treatment in detention.

Absent meaningful progress on domestic criminal justice, international justice remains the best option available to victims. Unfortunately, international efforts to hold alleged Sri Lankan perpetrators accountable have not yielded prosecutions for torture or other international crimes.

Sri Lanka is not a party to the Rome Statute, which critically limits the jurisdiction of the International Criminal Court over situations involving Sri Lanka,¹⁸ and universal jurisdiction cases filed against those most responsible have also been unsuccessful.¹⁹

Recognizing these challenges to criminal justice, in 2024 and 2025, OHCHR recommended that States “[c]onsider using other international legal options to advance accountability in Sri Lanka,”²⁰ including via relevant human rights treaties providing for proceedings before the International Court of Justice.²¹

In light of the above, we respectfully urge States Parties to the Convention against Torture to use Article 30 to commence a formal dispute with Sri Lanka concerning the interpretation or application of the Convention. States Parties can take action regarding Sri Lanka’s failure to comply with its obligations to:

- Prevent torture and other ill-treatment,
- Prosecute or extradite alleged perpetrators, and
- Provide redress and reparations to victims, such as compensation, acknowledgment of breaches, formal apologies for breaches, or other appropriate modalities,²² such as the truth about the fates and whereabouts of the disappeared.²³

Thank you for your prompt consideration of this urgent matter.

Sincerely,

Amnesty International
Asian Forum for Human Rights and Development (FORUM-ASIA)
Australian Centre for International Justice
Global Centre for the Responsibility to Protect
Human Rights Watch
New Lines Institute
People for Equality and Relief in Lanka (PEARL)
Sri Lanka Campaign for Peace & Justice
Strategic Litigation Project

¹ Ben Emmerson, *Visit to Sri Lanka: Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, U.N. Doc. A/HRC/40/52/Add.3, ¶ 8 (Dec. 14, 2018), <https://docs.un.org/en/A/HRC/40/52/Add.3> [hereinafter Special Rapporteur on Countering Terrorism]; OHCHR, *Sri Lanka: UN experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law* (Mar. 2, 2022), <https://www.ohchr.org/en/press-releases/2022/03/sri-lanka-un-experts-call-swift-suspension-prevention-terrorism-act-and>.

² Although the authorities have historically targeted Tamils under the PTA, after the 2019 Easter Sunday bombings, Tamil-speaking Muslims have also been vulnerable. Special Rapporteur on Countering Terrorism, *supra* note 1, ¶¶ 47, 60; Human Rights Watch, “*In a Legal Black Hole*”: Sri Lanka’s Failure to Reform the Prevention of Terrorism Act (Feb. 7, 2022), <https://www.hrw.org/report/2022/02/07/legal-black-hole/sri-lankas-failure-reform-prevention-terrorism-act>.

³ See, e.g., Elizabeth Nissan, *Overview*, in Sri Lanka: State of Human Rights 1-18 (Colombo, Sri Lanka: Law and Society Trust, 2001), cited in Elisabeth Jean Wood, *Armed Groups and Sexual Violence: When Is Wartime Rape Rare?*, 37 POL. SOC’Y 131, 145 (2009), <https://www.usip.org/sites/default/files/missing-peace/wood-when-is-wartime-rape-rare2009-published-version.pdf>; Special Rapporteur on Countering Terrorism, *supra* note 1, ¶ 24.

⁴ See generally U.N. High Commissioner for Human Rights, *Report of the OHCHR Investigation on Sri Lanka (OISL)*, U.N. Doc. A/HRC/30/CRP.2, Sec. IX (Sept. 16, 2015), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session30/documents/a-hrc-30-crp-2.pdf> [hereinafter *OISL Report*].

⁵ Amnesty International, *Amnesty File on Sri Lanka's Torture* (Oct. 1985), <https://tamilnation.org/indictment/indict038.htm>. According to an analysis of 184 Tamil men who had been detained in the 1990s, 21% were sexually tortured. M. Peel, A. Mahtani, G. Hinshelwood & D. Forrest, *The sexual abuse of men in detention in Sri Lanka*, 355 LANCET 2069, 2069 (2000).

⁶ Amnesty International, *Sri Lanka: Refusing to disappear: Tens of thousands missing: families demand answers*, at 3, 11 (Jan. 23, 2017), <https://www.amnesty.org/en/documents/asa37/5497/2017/en/>.

⁷ U.N. Committee against Torture, *Guerrero Larez v. Venezuela (Bolivarian Republic of)*, U.N. Doc. CAT/C/54/D/456/2011, ¶ 6.4 (June 26, 2015), <https://docs.un.org/en/CAT/C/54/D/456/2011>. Given the authorities' failure to investigate the disappearance and provide information on the disappeared person's fate and whereabouts, the Committee concluded he was outside the protection of the law and "his enforced disappearance constitutes an act of torture." *Id.* ¶ 6.6.

⁸ OHCHR, *Accountability for Enforced Disappearances in Sri Lanka*, ¶ 76 (May 17, 2024), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sri-lanka/report-accountability-enforced-disappearances-sri-lanka-may2024-en.pdf>. *Anger in Jaffna as Tamil mothers burn UN resolution*, TAMIL GUARDIAN (Oct. 1, 2025), <https://www.tamilguardian.com/content/anger-jaffna-tamil-mothers-burn-un-resolution>.

⁹ U.N. Working Group on Enforced or Involuntary Disappearances, General comment on the right to the truth in relation to enforced disappearance, at 14-15 ¶ 4, U.N. Doc. A/HRC/16/48 (Jan. 26, 2011), <https://undocs.org/A/HRC/16/48>; U.N. Committee against Torture, *Guerrero Larez v. Venezuela (Bolivarian Republic of)*, *supra* note 7, ¶ 6.4.

¹⁰ *OISL Report*, ¶ 1170; U.N. Secretary-General, *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka*, ¶¶ 422-424 (Mar. 31, 2011), <https://reliefweb.int/report/sri-lanka/report-secretary-generals-panel-experts-accountability-sri-lanka>. See also OHCHR, *Zeid urges creation of hybrid special court in Sri Lanka as UN report confirms patterns of grave violations* (Sept. 16, 2015), <https://www.ohchr.org/en/press-releases/2015/09/zeid-urges-creation-hybrid-special-court-sri-lanka-un-report-confirms?LangID=E&NewsID=16432>.

¹¹ Human Rights Commission of Sri Lanka, *Report of the Human Rights Commission to the Committee Against Torture: Review of the 5th Periodic Report of Sri Lanka*, ¶ 13 (Oct. 2016), <https://www.hrcsl.lk/wp-content/uploads/2020/01/Report-to-CAT-Committee.pdf>.

¹² The mandate holder received credible accounts that the police, and sometimes the armed forces, tortured and ill-treated almost all suspects held under the PTA. He was extremely alarmed by the lack of investigations and prosecutions into allegations of torture and other ill-treatment, clearly showing a lack of will from judges and prosecutors. Juan E. Méndez, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka*, U.N. Doc. A/HRC/34/54/Add.2, ¶¶ 31, 94-95 (Dec. 22, 2016), <https://www.ohchr.org/en/documents/reports/report-special-rapporteur-torture-and-other-cruel-inhuman-or-degrading-6>.

¹³ The mandate holder reported that, since 2009, "the use of torture has been, and remains today, endemic and systematic for those arrested and detained on national security grounds." Special Rapporteur on Countering Terrorism, *supra* note 1, ¶ 24.

¹⁴ U.N. High Commissioner for Human Rights, *Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka*, U.N. Doc. A/HRC/34/20, ¶ 50 (Feb. 10, 2017), <https://docs.un.org/en/A/HRC/34/20>; U.N. High Commissioner for Human Rights, *Promoting reconciliation, accountability and human rights in Sri Lanka*, U.N. Doc. A/HRC/40/23, ¶ 56 (Feb. 8, 2019), <https://docs.un.org/en/A/HRC/40/23>; U.N. High Commissioner for Human Rights, *Promoting reconciliation, accountability and human rights in Sri Lanka*, U.N. Doc. A/HRC/46/20, ¶ 38 (Feb. 9, 2021), <https://docs.un.org/en/A/HRC/46/20>; U.N. High Commissioner for Human Rights, *Promoting reconciliation, accountability and human rights in Sri Lanka*, U.N. Doc. A/HRC/49/9, ¶ 38 (Mar. 18, 2022), <https://docs.un.org/en/A/HRC/49/9>; U.N. High Commissioner for Human Rights, *Situation of human rights in Sri Lanka*, U.N. Doc. A/HRC/57/19, ¶¶ 27-29 (Aug. 27, 2024), <https://docs.un.org/en/A/HRC/57/19> [hereinafter OHCHR Report 2024]; U.N. High Commissioner for Human Rights, *Situation of human rights in Sri Lanka*, U.N. Doc. A/HRC/60/21, ¶ 20 (Aug. 28, 2025), <https://docs.un.org/en/A/HRC/60/21> [hereinafter OHCHR Report 2025].

¹⁵ OHCHR, *"We Lost Everything – Even Hope for Justice": Accountability for Conflict-Related Sexual Violence in Sri Lanka*, ¶ 9 n.19 (2026), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sri-lanka/2026-crsv-brief-english.pdf>.

¹⁶ OHCHR Report 2025, ¶ 20.

¹⁷ *Sri Lankan Foreign Minister threatens action against those who use term 'genocide'*, TAMIL GUARDIAN (May 23, 2025), <https://tamilguardian.com/content/sri-lankan-foreign-minister-threatens-action-against-those-who-use-term-genocide>.

¹⁸ While Tamil human rights defenders made or supported requests in 2021 for the International Criminal Court Prosecutor to open an investigation on his own initiative into transboundary crimes against humanity committed in Sri Lanka, the Prosecutor has not taken action. See generally Global Rights Compliance, *Article 15 Communication Submitted to the Prosecutor of the International Criminal Court on the Deportation, Deprivation of the Right to Return and Persecution of Tamil Civilians by the Sri Lankan Authorities* (Oct. 27, 2021), [https://www.tamilguardian.com/sites/default/files/File/Other/GRC%20ICC%20filing/20211027%20-%20Sri%20Lanka%20Art%2015%20\(Final%20%20-%20without%20Annexes\).pdf](https://www.tamilguardian.com/sites/default/files/File/Other/GRC%20ICC%20filing/20211027%20-%20Sri%20Lanka%20Art%2015%20(Final%20%20-%20without%20Annexes).pdf); Tamil Rights Group & International Tamil Refugee Assistance Network, *Communication Under Article 15 of the Rome Statute: Request to Open a Preliminary Examination into Crimes Committed Against Eelam Tamils in the Territories of States Parties (Deportation and Persecution)* (Nov. 9, 2021), https://www.tamilrightsgroup.org/wp-content/uploads/2021/11/ICC_Communications_SriLanka_09NOV21_FINAL-signed-2.pdf.

¹⁹ People for Equality and Relief in Lanka (PEARL), *Challenges to and Recommended Strategies for the Effective Investigation and Prosecution of Wartime Sexual Torture and Ill-Treatment: Lessons Learned from Sri Lanka's Sexual Torture and Ill-Treatment of*

Tamils, at 7 (Apr. 23, 2024), <https://www.ohchr.org/sites/default/files/documents/issues/torture/sr/cfis/cfi-ga79/subm-identifying-documenting-investigating-cso-people-equality-relief-in-lanka.pdf>.

²⁰ OHCHR Report 2024, *supra* note 14, ¶¶ 68(b); OHCHR Report 2025, *supra* note 14, ¶¶ 64(c).

²¹ OHCHR Report 2024, *supra* note 14, ¶¶ 54; OHCHR Report 2025, *supra* note 14, ¶¶ 55.

²² See U.N. International Law Commission, Responsibility of States for Internationally Wrongful Acts (2001), arts. 36-37, 48(2), https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.

²³ G.A. Res. 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, art. IX ¶¶ 22(b)-(c), U.N. Doc. A/RES/60/147 (Dec. 16, 2005), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>.