

THE INTERNATIONAL MOVEMENT AGAINST ALL FORMS OF DISCRIMINATION AND RACISM

**IMADR Oral Statement: 39th session of the Human Rights Council  
Item 3: Interactive Dialogue with the Working Group on Arbitrary Detention**

12 September 2018

Speaker: Antoine GIBERT

Thank you Mr. President,

We welcome the Working Group's report on arbitrary detention in Sri Lanka and its recommendations. We reiterate the Working Group's concerns over the discriminatory exercise of deprivation of liberty and the dire effects on minority groups. The report has highlighted areas for reforms and action to be taken to address such systematic human rights violations.

The Prevention of Terrorism Act (PTA) has caused horrendous human rights abuses as reported in July 2017 by the Special Rapporteur on counter-terrorism and human rights. The Act has been used disproportionately against members of the Tamil community, and thus contributed to the frequently reported cases of arbitrary arrest and detention, torture and ill-treatment. Besides the legislative deficiencies allowing for such abuses, legal counsel is not guaranteed and confessions are used as evidence without the presence of a lawyer, which increase the risk of intimidation and torture. We firmly condemn racial discrimination ingrained in the Sri Lankan criminal justice system, as exposed in detail by the Working Group.

Additionally, the ineffective system of bail and the extensive pre-trial detention expand the effects of those arbitrary deprivations of liberty, and further expose the suspects to potential torture by the authorities. This is a clear violation of article 9 of the ICCPR. We regret that the reform process of the PTA has been stalled.

We firmly stress the need to introduce legal reforms required to respond to the human rights challenges Sri Lanka is facing, especially with regards to strengthening accountability, and address systemic discrimination in the criminal justice system. We call upon the Government to immediately investigate the allegations of torture and ill-treatment, prosecute perpetrators and review every detention under the PTA to identify such abuses. We urge the Government to respond effectively to the recommendations with an action plan in line with its UPR pledges.

We are deeply concerned regarding recent statements of the President of Sri Lanka related to executing death penalty to deal with drug offenders or other several offences. We wish to reiterate the HRC resolution 36/17 on death penalty and request the Government to uphold human rights values.

Thank you Mr. President.