



Ending Torture. Seeking Justice for Survivors

**COMMENTS ON SRI LANKA'S COMBINED THIRD AND FOURTH PERIODIC REPORTS
TO THE COMMITTEE AGAINST TORTURE: ACCOUNTABILITY AND JUSTICE FOR
TORTURE AND OTHER ILL-TREATMENT COMMITTED DURING THE FINAL PHASE
OF THE WAR IN THE NORTH-EAST**

SEPTEMBER 2011

I. INTRODUCTION

The present comments are submitted by REDRESS, an international human rights non-governmental organisation, based in London, with a mandate to assist torture survivors to seek justice and reparation, in response to the list of issues published by the Committee against Torture concerning Sri Lanka's combined third and fourth state party reports.¹ The submission focuses on violations alleged to have been committed, and responses thereto, during the final phase of the conflict in Sri Lanka.² It builds and elaborates on the relevant parts of a joint submission submitted separately to the Committee against Torture that sets out the multiple concerns in relation to Sri Lanka's record of compliance with the Convention against Torture, both in the law enforcement context and in the course of conflict.³

REDRESS, together with the Asian Human Rights Commission and the Rehabilitation and Research Centre for Torture Victims, submitted comments to the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka in December 2010.⁴ It welcomes the Panel's report published in April 2011⁵ and takes note of the prominence given to the Report by the Committee against Torture in its List of Issues, particularly in the context of articles 2, 11, 12 and 13. Notably, the Committee against Torture is the first treaty body that has the opportunity to consider Sri Lanka's treaty obligations in light of the Panel's findings.

¹ List of issues to be considered during the examination of the combined third and fourth periodic reports of Sri Lanka, (CAT/C/LKA/Q/3-4), 24 June 2011.

² *Ibid.*, particularly paras. 4, 16-18, 22-24.

³ REDRESS, Asian Legal Resource Centre (ALRC), Rehabilitation and Research Centre for Torture Victims (RCT) and Action by Christians for the Abolition of Torture (ACAT), *Alternative Report to the Committee against Torture in Connection with the Third Periodic Report of Sri Lanka*, September 2011.

⁴ Joint Submission by REDRESS, the Asian Human Rights Commission and the Rehabilitation and Research Centre for Torture Victims, *Comments and Recommendations to the Secretary-General's Panel of Experts on the issue of accountability with regard to the alleged violations of international human rights and humanitarian law in the final stages of the conflict in Sri Lanka*, 15 September 2010. Available at: http://www.redress.org/downloads/publications/AHRC_REDRESS_RCT_15Dec2010.pdf.

⁵ United Nations *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka*, 31 March 2011. Available at: http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (hereafter referred to as Panel of Experts' Report).

The Panel found credible allegations, based on a large number of submissions and its own inquiries, of “potential serious violations committed by the Government of Sri Lanka”⁶ (this submission does not consider allegations of violations committed by the Liberation Tigers of Tamil Eelam (LTTE) as they do not directly fall within the purview of this Committee). Several of these violations amount to torture or ill-treatment under the Convention against Torture (CAT). Besides constituting a violation of Sri Lanka’s obligations in their own right, these findings give rise to a number of ongoing obligations, namely to ensure that those still being detained are not subjected to (further) torture or ill-treatment; to fully investigate all alleged violations and prosecute those responsible where sufficient evidence is available; and to provide reparation to victims of torture and ill-treatment.

Sri Lanka’s response, both domestically since the end of the conflict and internationally following the publication of the Panel’s Report and broadcasting of related documentation, is characterised by a denial of any responsibility and a refusal to undertake a prompt, impartial and effective investigation into allegations of torture and ill-treatment, or other violations for that matter.⁷ Immediate political responses to the Report were disparaging with senior government officials calling the report ‘divisive’, ‘biased’, and ‘unbalanced’⁸ as well as ‘illegal’, ‘baseless’ and ‘unilateral’.⁹ The President called for protests and joined rallies over the 2011 May Day holiday.¹⁰ In July 2011, the Ministry of Defence released a detailed report entitled *Humanitarian Operation: Factual Analysis-July 2006-May 2009*¹¹ relating to the conduct of the conflict, which fails to acknowledge the UN Panel of Experts findings, and instead depicts the last phase of the war as a campaign that sought to minimise civilian casualties while restoring ‘normalcy’ in the North-East.

The Government continues to portray the LTTE as the only party responsible for violations and refers to the Lessons Learnt and Reconciliation Commission (LLRC) as the sole and sufficient response mechanism.¹² However, as found by the Panel and others, such as Amnesty International, the LLRC has no mandate to conduct the requisite investigations; nor can it provide adequate reparation to victims of violations.¹³ In fact, victims of torture have only received limited and inadequate reparation, if any, to date. The findings of the Panel therefore remain fully relevant in light of Sri Lanka’s failure to comply with its obligations under international human rights law, including CAT.

REDRESS urges the Committee to recommend that the Government of Sri Lanka promptly implement the recommendations of the Panel, particularly in relation to the repeal of emergency legislation, safeguards, investigations and reparation. In case of continuing non-compliance, the Committee should consider drawing the attention of the relevant UN bodies and the UN Secretary-General, to the need to act. This concerns, in particular, the establishment of an independent commission of inquiry with a view to achieving accountability and justice for torture, ill-treatment and other serious violations committed during the final phase of the Sri Lankan civil war.

⁶ Panel of Experts’ Report, at. iii.

⁷ See for example, Full text of the speech delivered by Secretary Defence Mr. Gotabaya Rajapaksa at the release of the report, “*Humanitarian Operation: Factual Analysis*” on 1st August 2011 at Hilton- Colombo. Available at: http://www.defence.lk/new.asp?fname=20110801_04.

⁸ “Darusman Report: Public release of the report disrupts efforts to reinforce peace and security – Govt”, News Line, priu.gov.lk, 28 April 2011.; http://www.colombopage.com/archive_11/Apr16_1302968323CH.php.

⁹ See motion for the resolution of the European Parliament on Sri Lanka in follow-up to the UN Report submitted in 10 May 2011, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2011-0326&language=ES>, at preambular para. “I”.

¹⁰ “Sri Lanka President Rajapaksa calls for UN report rally,” *BBC News*, 17 April 2011. Available at: <http://www.bbc.co.uk/news/world-south-asia-13108054>.

¹¹ Sri Lankan Ministry of Defence *Humanitarian Operation: Factual Analysis - July 2006-May 2009*, July 2011. Available at: http://www.defence.lk/news/20110801_Conf.pdf. (Hereinafter, Ministry of Defence Report).

¹² Ministry of Defence Report, above, n.7.

¹³ Panel of Expert’s Report, para.344; Amnesty International, *When will they get justice? Failures of Sri Lanka’s Lessons Learnt and Reconciliation Commission*, 7 September 2011.

II. THE FINDINGS OF THE UN PANEL OF EXPERTS AND SRI LANKA'S OBLIGATIONS UNDER THE CONVENTION

1. RESPONSIBILITY FOR TORTURE AND ILL-TREATMENT

The Panel's Report highlights allegations of torture, including rape and enforced disappearances, and other forms of ill-treatment committed during the final stages of the conflict.

Torture in Detention

The Panel's Report found that torture reportedly constitutes a systemic problem in Sri Lanka.

361. Reports of torture and cruel, inhuman or degrading treatment or punishment of detainees by the state authorities have been persistent and widespread. Torture has been found to be one of the two main causes of death in police custody (alongside summary executions) and an accepted practice in interrogation, with the majority of custodial deaths attributed to police conduct in the routine discharge of duties rather than isolated excesses by individual officers.

Further, '[a] number of persons were detained during the conflict and, according to the Panel's report, were interrogated and tortured; allegations include beatings, forced nudity, suffocation with plastic bags, partial drowning, extraction of finger or toe nails, or administering electric shocks'.¹⁴ A large number of civilians and suspected LTTE members were held (some of whom are still being held) in closed camps or detention centres without any safeguards. This is illustrated by the situation in Menik farm, where up to 290,000 internally displaced persons (IDPs) were interned.¹⁵

163. The CID and TID maintained units inside the camps in Menik Farm and conducted regular interrogations. Other individuals were also detained and interrogated for potential links to the LTTE, including the doctors, the AGA and two United Nations staff members. Some of them were tortured as well. The sounds of beating and screams could be heard from the interrogation tents. The UNHCR recorded at least nine cases of torture in detention. Some detainees were taken away and not returned.

220. ... The Government did not guarantee the physical security of IDPs in camps insofar as it gave paramilitary groups access to the camps, with a broad writ to continue the removal of people. Abuses such as cruel, inhuman and degrading treatment, rape or torture may have taken place during interrogations by the CID or TID.

According to the Report, '[s]uspected LTTE were removed to separate camps where they were held for years, outside the scrutiny of the ICRC, the Sri Lankan Human Rights Commission or other agencies'.¹⁶ The Panel indicated that 1,306 alleged LTTE suspects are still detained in closed detention facilities for criminal investigation and prosecution.¹⁷

167. There is virtually no information about the conditions at these separate LTTE "surrender" sites, due to a deliberate lack of transparency by the Government. The fact that interrogations and investigations as

¹⁴Panel of Experts' Report, para.63.

¹⁵ Ibid., para.222.

¹⁶ Ibid., para.176(d).

¹⁷ Ibid., para.166.

well as "rehabilitation" activities have been ongoing, without any external scrutiny for almost two years, rendered alleged LTTE cadre highly vulnerable to violations such as rape, torture or disappearances, which could be committed with impunity.

The situation is aggravated by the lack of safeguards, contrary to Sri Lanka's obligations under article 2 CAT. The notorious Prevention of Terrorism Act (PTA), which has been repeatedly criticised by international human rights treaty bodies,¹⁸ continues to remain in force, allowing suspects to be held in preventative detention for up to 18 months without being charged or tried.¹⁹ The reported incommunicado detention²⁰ also heightens the risk of torture.

The Committee against Torture should urge the Government of Sri Lanka to take effective measures aimed at ending the practice of torture and ill-treatment in custodial situations. This includes the repeal of the Prevention of Terrorism Act and putting in place effective custodial safeguards by means of legislative and institutional changes. Such safeguards comprise access to a lawyer of one's choice, undertaking medical examinations upon entering and leaving detention facilities, and guaranteeing timely and effective habeas corpus proceedings. The Government of Sri Lanka should provide for effective monitoring of all detention facilities through national bodies, such as an impartial and credible national human rights commission, and should become a state party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the Government of Sri Lanka should disclose the location of camps and other detention facilities set up in the context of the conflict, and permit immediate access to any remaining facilities; it should also give an undertaking not to hinder access by monitoring bodies such as the ICRC to any detention facilities in future.

Torture and Ill-Treatment before Executions

The Report provides evidence of inhuman, degrading and humiliating treatment, if not torture, surrounding the executions of LTTE suspects.

149...On 25 August 2009, the UK-based Channel4 News released video footage, which showed the summary execution by Sri Lankan soldiers of several prisoners with their hands tied behind their backs. The prisoners in the footage are naked and blindfolded. They are kicked and forced to cower in the mud before being shot in the head at close range. The film shows several other prisoners who appear to have been killed earlier...

150. Photographs that appear to be taken before the executions show what appears to be the boy, sitting in a group of prisoners, who were alive, with their hands tied behind their back. The persons in the photograph are clearly terrified. When first detained by the SLA, some suspected LTTE cadre were also tortured. Photographs show bodies with signs of torture; a video shows a young man who has been tied to a tree and is covered in blood. He later appears dead, lying in a grave covered by a Tiger flag.

The Committee against Torture should urge the Government of Sri Lanka to undertake a thorough investigation into allegations of torture in custody as well as torture and ill-treatment prior to executions in line with its obligations under articles 12 and 13 of the Convention. It should provide the families of victims with all relevant factual information that it holds about the violations, including the location of

¹⁸ See for example *Singarasa v Sri Lanka*, Communication No.1033/2001, UN Doc. CCPR/C/81/D/1033/2001, 23 August 2004, particularly para.7.6.

¹⁹ Panel of Experts' Report, para.350.

²⁰ *Ibid.*, para.222.

bodies where applicable, acknowledge its responsibility and provide reparation in conformity with its obligations under article 14 of the Convention

Rape and Sexual Violence

The Panel's report also documented credible allegations of rape and sexual violence committed during the conflict:

152. Rape and sexual violence against Tamil women during the final stages of the armed conflict and, in its aftermath, are greatly under-reported. Cultural sensitivities and associated stigma often prevented victims from reporting such crimes, even to their relatives. Nonetheless, there are many indirect accounts reported by women of sexual violence and rape by members of Government forces and their Tamil-surrogate forces, during and in the aftermath of the final phases of the armed conflict.

153. Many photos and video footage, in particular the footage provided by Channel 4, depict dead female cadre. In these, women are repeatedly shown naked or with underwear withdrawn to expose breasts and genitalia. The Channel 4 images, with accompanying commentary in Sinhala by SLA soldiers, raise a strong inference that rape or sexual violence may have occurred, either prior to or after execution. One video shows SLA soldiers loading the naked bodies of dead (or nearly dead) women onto a truck in a highly disrespectful manner, in one case, stomping on the leg of a woman who appears to be moving. Rapes of suspected LTTE cadre are also reported to have occurred, when they were in the custody of the Sri Lankan police (CID and TID) or the SLA. International agencies also recorded instances of rape in the IDP camps, but the military warned IDPs not to report cases of rape to the police or to humanitarian actors.

The Panel also noted the risk to women and children during the screening process and in the IDP camps.²¹

161. Families were often grouped into tents with other families, to whom they were not related. In cases of families headed by women whose husbands were missing or dead, such practice made them vulnerable to abuse by unrelated men living in the same tent. The poor conditions provoked violence by IDPs against other IDPs, including sexual violence and exploitation, particularly considering the high number of women without male relatives and unaccompanied children. Women were not given sufficient privacy, and soldiers infringed on their privacy and dignity by watching them while they used the toilet or bathed. Some women were forced to perform sexual acts in exchange for food, shelter or assistance in camps.

The Committee against Torture should urge the Government of Sri Lanka, in addition to the measures detailed above, to review the treatment and detention conditions of women and girls with a view to ensuring adequate protection in camp conditions. Further, also considering the recommendations by the Committee on the Elimination of Discrimination against Women,²² the Government of Sri Lanka should investigate the specific incidents of rape and sexual violence that have been documented and alleged (and provide adequate protection of victims and witnesses in line with best practices), punish the perpetrators and provide reparation for victims. This should comprise guarantees of non-repetition, including a review, and, where necessary, changes of relevant legislation and field manuals; it should also include

²¹ Ibid., paras.146, 148, 156.

²² Concluding Observation of the Committee on the Elimination of Discrimination against Women: Sri Lanka, UN Doc. CEDAW/C/LKA/CO/7, 4 February 2011, paras. 40, 41 as well as paras. 24, 25.

provision of training for law enforcement and military personnel on international standards concerning respect for the sexual autonomy and integrity of persons, particularly women and girls.

Enforced Disappearances

The Panel further noted credible allegations suggesting ‘a widespread practice in Sri Lanka prior to, during and after the final stages of the war, of disappearances carried out by agents on behalf of the State...’²³

151. The Government has not provided a public registration of persons at screening sites or Omanthai, neither did it allow international organizations to monitor the process. This makes it difficult to trace persons. During hearings by the Lessons Learnt and Reconciliation Commission (LLRC), a number of women gave accounts of how their husbands or relatives were taken from them when they first entered the Government-controlled area and that they have not been seen since and to date, the Government has not confirmed their whereabouts. At least 32 submissions made to the Panel alleged disappearances in May 2009, some of them dealing with groups of persons rather than individuals. Many of these were persons who had surrendered to the SLA.

According to the Report, the Government also engaged in abductions during the conflict.

63. In addition to its regular military operations, the Government employed clandestine operations to uncover LTTE safe houses, dismantle the LTTE networks in the South and eliminate persons believed to be associated with the LTTE. A potent symbol of these operations was the "white van". White vans were used to abduct and often disappear critics of the Government or those suspected of links with the LTTE, and, more generally, to instil fear in the population. An elite unit within the Special Task Force (STF) of the police is implicated in running these white van operations. Those abducted were removed to secret locations, interrogated and tortured in a variety of ways, including through beatings, forced nudity, suffocation with plastic bags, partial drowning, extraction of finger or toe nails, or administering electric shocks. Many were killed and their bodies disposed of secretly. Human rights workers, journalists, newspaper editors and humanitarian workers accused of being "Tiger sympathizers" were also caught in the net. In the period between 2006 and the end of the war, 66 humanitarian workers were either disappeared or killed.

The Committee against Torture should urge the Government of Sri Lanka urgently to undertake a series of measures to identify the whereabouts of any persons reported missing, to investigate, prosecute and punish the alleged perpetrators and provide reparation to the victims (indirect victims), including the truth about what happened. The Government of Sri Lanka should be urged to become a party to the International Convention for the Protection of All Persons from Enforced Disappearance, to make enforced disappearances a criminal offence in its legal system, and to put in place complaints procedures and investigative mechanisms capable of adequately responding to allegations of enforced disappearances. It should also implement the recommendations of various earlier national Commissions of Inquiry into disappearances, as the lack of implementation has perpetuated a climate of impunity for this crime.

Shelling civilians/IDPs

The Report provides ample evidence indicating that the Government deliberately targeted civilian areas and hospitals as part of its military campaign. Designated safe areas and no fire zones (NFZs) were repeatedly

²³ Panel of Experts' Report, para. 234. See also paras. 63, 147, 151, 215.

shelled and civilians, humanitarian workers and medical staff came under fire and were continually forced to move.²⁴

84. In the early morning hours of 24 January, hundreds of shells rained down in the NFZ. Those with access to the United Nations bunker dove into it for protection, but most IDPs did not have bunkers and had nowhere to seek cover. People were screaming and crying out for help. The United Nations security officer, a highly experienced military officer, and others present discerned that the shelling was coming from the south, from SLA positions. He made frantic calls to the head of United Nations Security UI Colombo and the Vanni Force Commander at his headquarters in Vavuniya as well as the Joint Operations Headquarters in Colombo, demanding that the shelling stop, which sometimes resulted in a temporary adjustment of the shelling before it started again. Heavy shelling continued over night, and shells continued to hit the United Nations hub and the distribution centre, killing numerous civilians.

85. When United Nations staff emerged from the bunker in the first morning light at the first opportunity, mangled bodies and body parts were strewn all around them, including those of many women and children. Remains of babies had been blasted upwards into the trees. Among the dead were the people who had helped to dig the bunker the previous day.²⁵

The Report also mentions numerous accounts of hospitals being shelled by Government forces.²⁶

104. On 9 February 2009, shells fell on Putumattalan hospital, killing at least 16 patients. The shells came from SLA bases in Chalai, but subsequently shells were also fired from SLA positions across the lagoon (even though the hospital was clearly visible to the SLA based there). While some wounded LTTE cadre were treated at Putumattalan hospital, they were few in number and were kept in a separate ward. Putumattalan hospital was shelled on several occasions after that, in February and March. RPGs were fired at the hospital around 27 March killing several civilians. In addition to civilian casualties, the operating theatre, makeshift ward and roof all sustained damage.

These acts not only constitute violations of international humanitarian law but also amount to ill-treatment, if not torture, by deliberately inflicting severe pain and suffering.

The Committee against Torture should urge the Government of Sri Lanka to fully investigate these allegations and provide reparation to victims of such acts (articles 12, 13 and 14). This should include investigating and affording reparation for the killing of children in line with the recommendations made by the Committee on the Rights of the Child.²⁷ The Government should also undertake an independent review of the compatibility of its forces' conduct with international humanitarian law rules binding on Sri Lanka, including customary international law, consider ratifying Additional Protocol II to the Geneva Conventions of 1949 and make the necessary legislative changes to guarantee non-repetition.

Lack of humanitarian and medical assistance

The Report details actions by the Government which greatly hindered humanitarian efforts, for example, 'impeding humanitarian convoys from entering the conflict zone and knowingly [shelling] in the vicinity of humanitarian actors'.²⁸

²⁴ Ibid., paras.74, 84, 85, 100, 105, 118, 122, 124-131.

²⁵ See also *ibid.*, paras.118 and 119.

²⁶ *Ibid.*, paras.81, 87, 91, 94, 104, 111, 119.

²⁷ Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, UN Doc. CRC/C/OPAC/LKA/CO/1, 1 October 2010, paras.12, 13.

²⁸ Panel of Experts' Report, para.212.

105. While individual incidents of shelling and shooting took place on a daily basis, destroying the lives of many individuals or families, the SLA also shelled large gatherings of civilians capable of being identified by UAVs. On 25 March, an MBRL attack on Ambalavanpokkanai killed around 140 people, including many children. On 8 April 2009, a large group of women and children, who were queued up at a milk powder distribution line organized by the RDHS, were shelled at Ambalavanpokkanai. Some of the dead mothers still clutched cards which entitled them to milk powder for their children.

Further, '[t]he Government underestimated the number of civilians present in the LTTE-controlled area, using the low estimates to restrict the amount of humanitarian assistance that could be provided, especially food and medicine'.²⁹

128. As a result of the Government's low estimates, the food delivered by WFP to the Vanni was a fraction of what was actually needed, resulting in widespread malnutrition, including cases of starvation. Similarly, the medical supplies allowed into the Vanni were grossly inadequate to treat the number of injuries incurred by the shelling. Given the types of injuries sustained in the second NFZ, the doctors requested medical supplies such as anaesthetics, blood bags for transfusion, antibiotics, surgical items, gloves and disinfectant. Only a small quantity of these items was allowed into the Vanni. Instead, they received items such as Panadol, allergy tablets and vitamins. As the casualty figures rose in March 2010, the absence of the needed medical supplies imposed enormous suffering and unnecessarily cost many lives...

Deliberately restricting humanitarian assistance in circumstances of dire need ran counter to Sri Lanka's obligation to take measures to prevent unnecessary pain or suffering by providing, or at least not hindering, access to essential food and medicine.³⁰

The Committee against Torture should urge the Government of Sri Lanka to fully investigate these allegations and provide reparation to the victims (articles 12, 13 and 14). The Government should also undertake an independent review into the compatibility of the conduct of its forces with international humanitarian law rules binding on Sri Lanka, including customary international law, consider ratifying Additional Protocol II to the Geneva Conventions of 1949 and make the necessary legislative changes to guarantee non-repetition.

Inhumane camp conditions

The Report suggests that the Government made inadequate provision for the civilian population it interned, and failed to provide for adequate conditions of detention.³¹

159. While the Government referred to Menik Farm as a "welfare village" for IDPs, it was located in the middle of the jungle, without its own water source. After the large influx of IDPs in April and May 2009, conditions in Menik Farm were far below international standards. These conditions imposed additional unnecessary suffering and humiliation on civilians. New arrivals often had not eaten for days. While many persons suffered from depression, psychological support was not allowed by the Ministry of Social Services, and some IDPs committed suicide. Some died while awaiting passes to get basic medical treatment or died from preventable diseases.

²⁹ Ibid., para.124. See also 130, 131.

³⁰ See in this respect also the findings of the Committee on Economic, Social and Cultural Rights in its Concluding Observations on Sri Lanka's State Party report, UN Doc. E/C.12/LKA/CO/2-4, 9 December, para.28.

³¹ Panel of Experts' Report, para.224

160. Extreme overcrowding in the camps forced some people into unsafe living conditions. Provision for food, water, shelter and sanitation at Menik Farm was highly inadequate to cope with the large numbers of people who arrived in April and May. The shelters consisted of tarpaulins, which became very hot under the blazing sun. People had to wait many hours or sometimes an entire day for food and water. Food was of very poor quality and sometimes was served into bare hands, without plates.³²

220. Credible allegations point to a violation of this provision [article 7 ICCPR] insofar as they indicate preventable deaths in Menik Farm of individuals within the power and control of the Government, as a result of its failure to provide adequate food, water and health care in the initial phases of reception and detention. The Government did not guarantee the physical security of IDPs in camps insofar as it gave paramilitary groups access to the camps, with a broad writ to continue the removal of people. Abuses such as cruel, inhuman and degrading treatment, rape or torture may have taken place during interrogations by the CID or TID.

The Committee against Torture should urge the Government of Sri Lanka, in addition to investigating and remedying the alleged violations (articles 12, 13 and 14), to undertake a comprehensive review of the planning and operation of the camps, and to adopt legislation that provides for adequate minimum standards of detention conditions (in all facilities), as well as effective monitoring and complaints procedures that take into consideration the vulnerability of detainees.

Discrimination and torture

Considering that the victims of the torture and ill-treatment reportedly committed in the context of the conflict are predominantly of Tamil origin, the Committee against Torture should consider to what extent these violations were based on or resulted from discrimination. The Committee should urge the Government of Sri Lanka to specifically include consideration of discrimination as a reason for torture and ill-treatment as part of any investigation and review undertaken, and to put in place guarantees of non-repetition. This includes a wholesale review of measures taken by the Government of Sri Lanka in the North-East during and following the conflict that may have a discriminatory impact on Tamils and may have lowered the threshold for violations (known as ‘dehumanisation’).³³

2. FAILURE TO INVESTIGATE AND PROSECUTE

i. Lack of Investigations

The Report mentions several alleged violations that have not been investigated:

228. Credible allegations point to violations of these rights insofar as women have been subjected to gender-based violence in camps and during the resettlement process, including most seriously rapes at Menik Farm, which have not been investigated...

There is no evidence that any of the allegations documented in the Panel’s report have been subject to a full CAT compliant investigation. The Commander of the Sri Lankan Army in the final phase of the war, General Sarath Fonseka, faced a court martial for an alleged coup against the Government but it appears that neither he nor anyone else has been charged with any violations committed during the conflict itself.³⁴ The Ministry of Defence report published in July 2011 does not refer to any inquiry or specific cases. Instead, it provides a general reference to the extant military justice procedure, claiming that ‘[t]here have been several instances

³² See also para.161, above at p.5.

³³ See in this context Panel of Expert’s Report, paras. 400-407.

³⁴ BBC, Trial of Sri Lanka ex-army chief Fonseka adjourned, 17 March 2010, <http://news.bbc.co.uk/1/hi/8572586.stm>.

where military personnel have been subject to indictments preferred by the Attorney General to the High Court,³⁵ without providing any further details.

The Committee against Torture should urge the Government of Sri Lanka to undertake a full investigation into all incidents documented in the Panel of Expert's report or alleged through other channels in conformity with its obligations under articles 12 and 13 of the CAT. Due to the passage of time, it is not possible any longer to have a prompt investigation but the Government of Sri Lanka should now without further delay set up a genuinely independent inquiry, i.e. one that does not repeat the shortcomings of previous inquiries into human rights violations, that has the requisite mandate as well as sufficient powers and resources to undertake effective investigations into all allegations, followed by prosecutions where sufficient evidence is available. This should also, to begin with, include an acknowledgment that there are credible allegations of violations, contrary to the position of blanket denial taken by the Government to date.

ii. The Lessons Learnt and Reconciliation Commission (LLRC)

The LLRC's Mandate

The Government of Sri Lanka set up the LLRC a year after the conclusion of hostilities.

291. The eight-member commission...is in its own words "expected to focus on the causes of conflict, its effect on the people and promote national unity and reconciliation, so that all citizens of Sri Lanka, irrespective of ethnicity or religion, could live in dignity and a sense of freedom." It is also "expected to identify mechanisms for restitution to the individuals whose lives have been significantly impacted by the conflict"...

The Panel, in discussing the political context in which the Commission had been established, expressed its concern regarding the lack of political will displayed by successive Governments to address the issue of accountability and the bearing this may have on the LLRC.³⁶ This applies particularly to the lack of clarity of the LLRC's mandate that does not specify its remit in terms of investigating human rights violations.³⁷ The Panel found that:

281. Missing from the Government's two-pronged conception is any notion of accountability for its own conduct in the prosecution of the war, especially during the final stages. The Government of Sri Lanka also stated that if the LLRC process gives rise to "a particular culpability" that should be further investigated, this will be referred to a "separate unit" of the Attorney-General's office. However, the Government indicated that, to date, none of the representations made to the LLRC identified individuals or groups to whom such responsibility could be attributed. The Government said that it is "alive and sensitive to the excesses that can take place in the hands of military personnel" and that there are a few cases pending against police and military personnel. Nonetheless, this formulation does not appear to contemplate the possibility that violations were committed on a large-scale or systematic basis; if this were to be the case, then it might be inferred that the violations were based on policy, ordered or condoned at the highest levels, politically and military.

285. As an initial matter, a *de facto* decision not to hold accountable those who committed serious crimes on behalf of the State during the final stages of the war is a clear violation of Sri Lanka's

³⁵ Ministry of Defence report, para.258.

³⁶ Panel of Experts' Report, para.296.

³⁷ *Ibid.*, para.297-304.

international obligations and is not a permissible transitional justice option. While there is some flexibility on the forms of punishment under international law, investigations and trials are not optional, and the creation of a commission such as the LLRC does not in itself fulfil the State's duty in this case.

The Panel also highlighted concerns relating to the independence and impartiality of the Commission.³⁸

The Committee against Torture should urge the Government of Sri Lanka to ensure that any 'transitional justice' measures taken following the conflict are in full conformity with Sri Lanka's obligations under the Convention against Torture, and should not be used to distract from the rights of victims, including the right to effective complaints procedures; prompt, impartial and effective investigations into complaints; and adequate reparation.

Victim and Witness Protection

The findings of the Panel also highlight the failure of Sri Lanka, which had already become evident in other high-profile cases such as the killing of Gerard Perera in 2004,³⁹ to provide adequate victim and witness protection, in general and in the context of the LLRC.

358...there are no legal procedures in place for the protection of victims and witnesses, although intimidation of witnesses is widespread and not limited to the Armed Forces, but extends across law enforcement agencies. Police officers accused of torture have remained in their positions despite indictments against them and are, thus, afforded an opportunity to utilize the power and influence of their positions to threaten and, on occasion, even kill witnesses in pending cases...

The LLRC does not have a clear legal basis for victim and witness protection,⁴⁰ and its practice in this regard has given cause to serious concern:

333...In some instances, witnesses' names are not disclosed, while in other and similar situations, they are; in others still, the witness, while not named, is rendered identifiable by the content of the testimony, such as the names of family members. This is in breach of the best practice that victims providing testimony and other witnesses should be "informed of rules that will govern disclosure of information provided by them to the commission".

334. This deficiency in LLRC practice occurs in the context of one of the Panel's major concerns, namely, the lack of adequate witness protection for those who want to give testimony to the LLRC. A number of reports suggest that the environment for witnesses is often intimidating and at times hostile. Although the Government, in its written responses to the Panel, has argued that "[t]he military have no role to play in the LLRC Sessions", the Panel is aware that on occasion uniformed military officers have been seated in the hearing room, photographing witnesses and the audience. The presence of the military or intelligence personnel inside or outside of the hearings has a chilling effect on witnesses who fear possible reprisals when putting forward allegations of illegal conduct on the part of the security forces. This is time, too, of the frequent presence of Government officials at hearings during witness testimony.

While recognizing the potential of the LLRC and some positive steps it has taken, the Panel nonetheless concluded that it fails to meet international standards for an effective accountability mechanism.⁴¹ The LLRC has been portrayed by the Government of Sri Lanka as the main forum for addressing the conflict. However, the

³⁸ Ibid., at v.

³⁹ See Basil Fernando, *Sri Lanka: Impunity, criminal justice & human Rights*, Asian Human Rights Commission, 2010, 100-103, available at <http://www.ahrchk.net/pub/pdf/AHRC-PUB-001-2010-SLImpunity.pdf>.

⁴⁰ Panel of Experts' Report, para.313

⁴¹ Ibid., para.344.

Panel's detailed analysis shows that it is flawed in terms of its mandate and ability to investigate torture and ill-treatment; the LLRC does therefore not satisfy Sri Lanka's obligations under articles 12 and 13 CAT.

In addition to the previous recommendation, the Committee against Torture should urge the Government of Sri Lanka to put into place an effective system of victim and witness protection, in relation to both specific accountability mechanisms, such as commissions of inquiry, and complaints procedures generally.⁴² This includes adopting legislation and establishing adequate protection mechanisms.

iii. Criminal Justice System

The Panel also underlined certain shortcomings in the criminal justice system and in the legal framework that continue to hinder investigations and prosecutions for violations of torture during the final stages of the conflict,⁴³ including:

362. By way of example regarding the treatment of very serious crimes, since the enactment of the 1994 CAT Act, which criminalizes torture, there have been 34 indictments brought by the Attorney-General, with 3 convictions and 8 acquittals to date. The Attorney-General has not sought to prosecute any officer above the rank of inspector of police for torture. In cases dealing with enforced disappearances (usually charged under less serious types of offences such as abduction and kidnapping), the conviction rate indicated by available statistics is extremely low. Courts tend to acquit in these cases on seemingly technical points, such as delays in the filing of the complaint and/or incorrect framing of the indictment. In the latter case, although both the Attorney-General and the High Court have legal authority to amend such indictments, this power is not exercised authoritatively in many cases. Sentencing, when convictions are secured, tends to be unduly lenient in light of the gravity of the conduct in question.

Lastly, the Panel concluded that both the LLRC and the current criminal justice system fail to provide accountability for violations committed during the end of the conflict.⁴⁴ This reinforces the finding that the failure to comply with the obligations arising from articles 12 and 13 in relation to the conflict is a reflection of a broader systemic failure to effectively investigate allegations of torture and hold those responsible to account.

The Committee against Torture should urge the Government of Sri Lanka to undertake a comprehensive review followed by a series of legislative and institutional changes aimed at effectively addressing shortcomings and dysfunctions in the system with a view to making a serious attempt to combat impunity for torture and other ill-treatment.

3. FAILURE TO PROVIDE REPARATION

The Government of Sri Lanka has only made limited efforts to provide reparation for those who have suffered from torture and other ill-treatment during the conflict and the LLRC has similarly not addressed how it intends to deal with the issue of reparations.

332...the failure to engage victims on the harm and injury they suffered also leaves deep doubts as to the extent to which the LLRC intends to contribute to reparations. While its mandate includes the ability to grant restitution, the Commission has neither made clear what damages are covered by its mandate nor the burden and standard of proof that victims need to demonstrate as potential beneficiaries. The result is, at this point, serious doubt as to the LLRC's intention to address these issues.

⁴² See in this context also Committee on the Right of the Child, UN Doc. CRC/C/OPAC/LKA/CO/1, paras.30, 31.

⁴³ Panel of Experts' Report, paras.353-355.

⁴⁴ Ibid., paras.397, 398.

The Government of Sri Lanka has increasingly used the language of rehabilitation rather than reparation to demonstrate that it is helping the victims of the war. The Panel rightly noted that:

288. It is also necessary to emphasize that development programmes and humanitarian assistance are not to be equated with reparations. Reparations must represent an acknowledgement on behalf of the State and must be provided to people because their rights were violated, not out of humanitarian concerns, albeit the importance of the latter. The credible allegations analysed in this report suggest that the actions involved go beyond a failure to protect citizens from terrorism, as argued by the Government and could entail the direct violation by the Government of the rights of its people, on a large scale, including allegations of war crimes and crimes against humanity. The Sri Lankan Government should use reparations as a demonstration of genuine acknowledgement of violations and as redress for victims, not as a cover-up for accountability. Programmes that promote development as well as being reparative, such as community level reparations, may form part of reparations, but acknowledgement must be at the centre of the approach.

The findings of the Panel strongly suggest that Sri Lanka has failed to comply with its obligations under article 14 CAT, namely to provide effective remedies and reparation, a situation that has not fundamentally changed following the publication of the Report:

375. Nonetheless, the Government's written responses to the Panel have stated that "several fundamental rights petitions, habeas corpus and writ applications have been filed against Armed Forces personnel and Police officers". It is not clear that any of these fundamental rights or other applications relate to the conduct of state officials in the final stages of the war; the Government has not provided individual detail on any of these cases, which would enable the Panel to undertake its own assessment. Any fundamental rights petitions filed now would be generally time-barred and thus wholly ineffective due to the procedural requirement that they be filed within a month of the alleged violation.

232. Credible allegations point to a violation of these provisions [ICCPR, articles 2,9, 14 and 26] insofar as very few of the alleged violations during the last stages of the war have been investigated, and those that have been undertaken to satisfy international standards of effectiveness and independence. Access to the courts by victims has been dramatically curtailed or eliminated by law and restricted in practice. Individuals have almost no resort to the courts in respect of state officers exercising their official powers under the emergency legislation and regulations. Regarding detainees held under these powers, the courts have scant power to review the substantive justification of detention.

The Committee against Torture should urge the Government of Sri Lanka to ensure that any 'transitional justice' measures taken following the conflict need to be in full conformity with Sri Lanka's obligations under the Convention against Torture, and should not be used to distract from the rights of victims. This comprises the right to effective remedies and adequate reparation, including in particular acknowledgment and truth in addition to restitution, compensation and rehabilitation.

4. LACK OF GUARANTEES OF NON-REPETITION

Sri Lanka has an obligation to provide assurances and demonstrate steps taken to ensure non-repetition of violations arising from article 2 and article 14 CAT. This includes 'ensuring that all judicial proceedings abide by international standards of due process, fairness and impartiality; strengthening the independence of the judiciary; protecting human rights defenders; providing, on a priority and continued basis, training for law enforcement officials as well as military and security forces on human rights law and providing specific training on the Istanbul Protocol for health and legal professionals and law enforcement officials; promoting the

observance of international standards and codes of conduct by public servants, including law enforcement, correctional, medical, psychological, social service and military personnel; reviewing and reforming laws contributing to or allowing torture and acts of cruel, inhuman or degrading treatment or punishment'.⁴⁵

i. Safeguards

As pointed out in the Report, 'a comprehensive regime of emergency provisions in Sri Lanka overlays the general law, significantly displacing the otherwise applicable provisions of the general law and exempting wide swathes of state action from judicial scrutiny'.⁴⁶ The emergency regulations (which were allowed to lapse in August 2011), provide, *inter alia*, very broad powers of arrest and detention, with both detention and restriction orders by the Defence Secretary considered final and barred from any judicial review under the Prevention of Terrorism Act.⁴⁷

379. There are considerable uncertainties about the legal basis under which different categories of persons were detained during and in the aftermath of the final stages of the war. The precise legal basis for mass arbitrary detention of IDPs in closed camps remains unclear, while in the case of suspected LTTE and others, the Government has cited detention powers under the Emergency Regulations, the PTA and ordinary criminal justice laws. It is also very difficult to see how either category of detainees could engage habeas jurisdiction as a practical matter and procure necessary legal representation. Although the Government's written responses maintain that court review of detention "does not have to be in the form of a formal petition, [but] [t]he review can be initiated by the exercise of an epistolary jurisdiction upon the mere receipt of a letter from a detainee", it provides no instances where this has happened. Nor is the Panel aware of any attempts made by the Government to ensure all detainees were aware of such a right.

381. The Panel must also note that even if a detainee were to procure a court hearing, a habeas court would have great difficulty in asserting meaningful review of detention given the ouster of judicial review and mandatory detention provided for under the Emergency Regulations or the PTA.

382. Thus, on the basis of the available information before it, the Panel concludes that detainees have not had access to an effective remedy to test the lawfulness and assess the substantive justification of their detention.

The lack of custodial safeguards runs counter to Sri Lanka's CAT obligations under article 2. Indeed, the Emergency Regulations and the PTA have been the subject of long-standing concerns in this regard.⁴⁸

The Committee against Torture should urge the Government of Sri Lanka to take effective measures aimed at ending the practice of torture in custodial situations (see above p.4), and to make these measures part of a comprehensive policy to guarantee non-repetition in relation to torture and ill-treatment.

ii. Monitoring

While the Human Rights Commission of Sri Lanka (HRCSL) has broad powers to inquire into violations of fundamental rights, the remedies at its disposal are limited to fact-finding and making recommendations.⁴⁹ Its

⁴⁵ Committee against Torture, *Working document on article 14 of the Convention*, Forty-sixth session 9 May – 3 June 2011, at para.16. Available at: http://www2.ohchr.org/english/bodies/cat/comments_article14.htm.

⁴⁶ Panel of Experts' Report, para. 347.

⁴⁷ *Ibid.*, para.351.

⁴⁸ See for example Concluding Observations of the Human Rights Committee: Sri Lanka, CCPR/CO/79/LKA, 1 December 2003, para.13.

⁴⁹ Panel of Experts' Report, para.383.

recommendations have largely been ignored by the police and the Government.⁵⁰ The legitimacy of the HRCSL has also been called into question.

385...In 2007, the HRCSL was downgraded from "A" to "B" status by the International Coordinating Committee of National Human Rights Institutions (ICC-NHRI), following a special review of the extent to which it met internationally-agreed standards on national human rights institutions (the "Paris Principles"). One of the issues that the ICC-NHRI noted was the HRCSL's discontinuation of its inquiries of some 2,000 cases of disappearances in July 2006. It noted that in a state of emergency as applicable in Sri Lanka, an NHRI was expected to "conduct itself with a heightened level of vigilance and independence in the exercise of its mandate".

In February 2011, the President appointed a new chair and four further commissioners. As the Panel pointed out, it is not clear whether the previous Commission investigated violations arising from the final stages of the conflict.⁵¹ However, as emphasised by the Panel:

390. With respect to detainees, the HRCSL's parent Act provides it with powers to monitor the welfare of detained persons and to inspect places of detention. Indeed, it requires the Commission to be notified within 48 hours of fact and place of any detention, including under emergency powers, criminalizes any officer's wilful failure to so report, and grants the Commission authority to enter and examine such places of detention. It is unclear that the HRCSL has been notified of any of the detentions arising from the last stages of the war. The new Commission should robustly exercise its mandate in this regard. This would be an especially important signal of political will given that, in the past, this obligation to report was routinely flouted, and no convictions for failure to report detention to the Commission have, to the Panel's knowledge, ever occurred.

The Committee against Torture should urge the Government of Sri Lanka to put in place an effective system of monitoring detention facilities and to ensure that the Human Rights Commission of Sri Lanka is able to effectively monitor detention facilities and respond to complaints about torture and ill-treatment.

The Committee against Torture should also urge the Government of Sri Lanka to ratify international treaties that enhance protection and accountability for serious human rights violations and international crimes, including in particular the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, as well as the Additional Protocols to the 1949 Geneva Conventions.

III. CONCLUDING RECOMMENDATIONS

The Panel of Experts' Report provides evidence that suggest violations both of Sri Lanka's negative obligation to refrain from committing torture and ill-treatment and its positive obligation to prevent and respond to such violations. Implementation of these positive duties flowing in particular from articles 2, 12, 13, 14 and 16 are still outstanding, namely (i) holding those responsible to account; (ii) providing reparation to victims; and (iii) putting in place effective guarantees of non-repetition, which requires undertaking the necessary legislative and institutional reforms.

⁵⁰ Ibid., para.384.

⁵¹ Ibid., para.387.

The Panel made detailed recommendations, which are reproduced in an appendix below. It is the primary responsibility of Sri Lanka to comply with its obligations under the CAT and other international treaties. However, should Sri Lanka continue to fail to take the requisite measures despite the availability of credible evidence of torture and ill-treatment it is the responsibility of the United Nations and its organs, including its treaty bodies, to do their utmost to ensure accountability and justice for the victims of these violations. Indeed, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights already urged Sri Lanka to co-operate with the UN Panel of Experts⁵² and the Committee on the Elimination of Discrimination against Women urged Sri Lanka to ‘consider having an independent international accountability mechanism’⁵³; it is now the next logical step to call for a full implementation of the Panel’s recommendations. This could build on previous precedents where UN bodies have urged the Secretary-General to call for the establishment of an international accountability mechanism, namely the International Criminal Tribunal for the former Yugoslavia.⁵⁴ Conversely, a failure to take action would compound the climate of impunity in Sri Lanka and would constitute a betrayal of the Convention against Torture, which was adopted ‘to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world’.

REDRESS therefore recommends that the Committee against Torture urges the Government of Sri Lanka to acknowledge that there are credible allegations of torture, ill-treatment and other violations, promptly to commence genuine investigations into these allegations in compliance with articles 12 and 13 of the Convention, and to report back to the Committee within six months on what steps it has taken in this regard.

Further, the Committee against Torture should urge the Government of Sri Lanka to consent to the establishment of an independent international mechanism having the mandate proposed by the Panel of Experts, and to report back to the Committee within six months on what steps it has taken in this regard. The Committee should also urge the UN Secretary-General to proceed without further delay with the establishment of such an independent international mechanism.

⁵² UN Doc. CRC/C/OPAC/LKA/CO/1, para.13 and UN Doc. E/C.12/LKA/CO/2-4, para.28.

⁵³ UN Doc. CEDAW/C/LKA/CO/7, para.41(g).

⁵⁴ Committee on the Elimination of Racial Discrimination, General Recommendation 18, The establishment of an international tribunal to prosecute crimes against humanity (Forty-fourth session, 1994), U.N. Doc. A/49/18 at 19 (1995).

Appendix: Recommendations of the Panel of Experts

Recommendation 1: Investigations

- A. In light of the allegations found credible by the Panel, the Government of Sri Lanka, in compliance with its international obligations and with a view to initiating an effective domestic accountability process, should immediately commence genuine investigations into these and other alleged violations of international humanitarian and human rights law committed by both sides involved in the armed conflict.
- B. The Secretary-General should immediately proceed to establish an independent international mechanism, whose mandate should include the following concurrent functions:
 - (i) Monitor and assess the extent to which the Government of Sri Lanka is carrying out an effective domestic accountability process, including genuine investigations of the alleged violations, and periodically advise the Secretary -General on its findings;
 - (ii) Conduct investigations independently into the alleged violations, having regard to genuine and effective domestic investigations; and
 - (iii) Collect and safeguard for appropriate future use information provided to it that is relevant to accountability for the final stages of the war, including the information gathered by the Panel and other bodies in the United Nations system.⁵⁵

Recommendation 2: Other immediate measures to advance accountability

In order to address the immediate plight of those whose rights were and continue to be violated, and to demonstrate the Government's commitment to accountability, the following measures should be undertaken immediately:

- A. The Government of Sri Lanka should implement the following short-term measures, with a focus on acknowledging the rights and dignity of all of the victims and survivors in the Vanni:
 - (i) End all violence by the State, its organs and all paramilitary and other groups acting as surrogates of, or tolerated by, the State;
 - (ii) Facilitate the recovery and return of human remains to their families and allow for the performance of cultural rites for the dead;
 - (iii) Provide death certificates for the dead and missing, expeditiously and respectfully, without charge, when requested by family members, without compromising the right to further investigation and civil claims;
 - (iv) Provide or facilitate psychosocial support for all survivors, respecting their cultural values and traditional practices;
 - (v) Release all displaced persons and facilitate their return to their former homes or provide for resettlement, according to their wishes; and
 - (vi) Continue to provide interim relief to assist the return of all survivors to normal life.
- B. The Government of Sri Lanka should investigate and disclose the fate and location of persons reported to have been forcibly disappeared. In this regard, the Government of Sri Lanka should invite the Working Group on Enforced and Involuntary Disappearances to visit Sri Lanka.
- C. In light of the political situation in the country, the Government of Sri Lanka should undertake an immediate repeal of the Emergency Regulations, modify all those provisions of the Prevention of Terrorism Act that are inconsistent with Sri Lanka's international obligations, and take the following measures regarding suspected LTTE members and all other persons held under these or any other provisions:

⁵⁵ Panel of Expert's report, para.444.

- (i) Publish the names of all of those currently detained, whatever the location of their detention, and notify them of the legal basis of their detention;
 - (ii) Allow all detainees regular access to family members and to legal counsel;
 - (iii) Allow all detainees to contest the substantive justification of their detention in court;
 - (iv) Charge those for whom there is sufficient evidence of serious crimes and release all others, allowing them to reintegrate into society without further hindrance.
- D. The Government of Sri Lanka should end state violence and other practices that limit freedoms of movement, assembly and expression, or otherwise contribute to a climate of fear.⁵⁶

Recommendation 3: Longer term accountability measures

While the current climate of triumphalism and denialism is not conducive to an honest examination of the past, in the longer term, as political spaces are allowed to open, the following measures are needed to move towards full accountability for actions taken during the war:

- A. Taking into account, but distinct from, the work of the LLRC, Sri Lanka should initiate a process, with strong civil society participation, to examine in a critical manner: the root causes of the conflict, including ethno-nationalist extremism on both sides; the conduct of the war and patterns of violations; and the corresponding in situational responsibilities.
- B. The Government of Sri Lanka should issue a public, formal acknowledgment of its role in and responsibility for extensive civilian casualties in the final stages of the war.
- C. The Government of Sri Lanka should institute a reparations programme, in accordance with international standards, for all victims of serious violations committed during the final stages of the war, with special attention to women, children and particularly vulnerable groups.⁵⁷

⁵⁶ Ibid.

⁵⁷ Ibid.