

POLICY BRIEF

Exposing the Gaps: Structural Failures and Reform Priorities in Sri Lanka's Anti-Torture Justice System



RIGHT TO LIFE
HUMAN RIGHTS CENTRE



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சித்திரவதகை எதிரான இலங்கை ஒன்றியம்
Sri Lanka Collective Against Torture

Executive Summary

Despite the presence of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994, torture remains a deeply rooted problem in Sri Lanka. While the Human Rights Commission of Sri Lanka (HRCSL) receives hundreds of complaints each year, only 115 cases have been filed under this Act in the past 30 years. The Right to Life Human Rights Centre's forum titled "Beyond the Law: The Hidden Darkness in Sri Lanka's Anti-Torture Justice," held on June 25, 2025, brought together experts, survivors, and stakeholders to expose these gaps and advocate for urgent reform. This brief analyzes those insights and proposes a series of evidence-based policy interventions.



"Since the enactment of the Torture Act in 1994, only 115 cases have been filed, and merely six have ended in convictions. Over 30 cases have concluded most with acquittals. Shockingly, not a single case has been filed from the Northern and Eastern Provinces, and complaints from prisons remain rare, despite the clear vulnerability of detainees. In some instances, cases have been dismissed without even calling for defense evidence, simply because the investigations were too weak to proceed. This is what happens when the police are tasked with investigating their own crimes. There is no independence, no professionalism, and ultimately, no justice."

— **Dulan Dassanayake**, Attorney-at-Law and Human Rights Advocate

1. Introduction

The International Day in Support of Victims of Torture on June 26 is a global reminder of the need to combat torture and protect the dignity of victims. In Sri Lanka, it also marks three decades since the enactment of anti-torture legislation. Yet the continued prevalence of torture both in official custody and in broader social contexts demonstrates a fundamental disconnect between law and practice. The Right to Life Human Rights Centre's 2025 forum revealed both the suffering endured by victims and the dysfunction of the justice mechanisms intended to protect them.

2. Key Findings from the National Forum

Survivor Testimonies



"I was arrested on June 23, 2019, over a false accusation of theft. Despite having no involvement, I was taken to the Crime Division of the Uragasmanhandiya Police. There, I was beaten, humiliated, and sexually abused during interrogation. I was hung backward by my hands, hit repeatedly, and denied medical attention. The abuse was so severe that I lost consciousness and had to be hospitalized for weeks of treatment. For years, I lived in pain and fear, while the officers who tortured me continued to serve freely. But I didn't stay silent. With the support of my workplace and a committed lawyer, I filed a Fundamental Rights petition. In 2025, the Supreme Court ruled in my favour, ordering both officers to personally pay Rs. 1 million each as compensation and to send the judgment to the National Police Commission. This victory is not just mine it's a step forward for every victim seeking justice in silence."

— **Chandima Madhushan**, a private sector employee



Testimonies from victims like Chandima Madhushan highlighted the cruel physical and psychological suffering inflicted during police detention. Chandima described how he was handcuffed, beaten, and hung with his hands behind his back for over 45 minutes. Though he was awarded Rs. 2 million compensations by the Supreme Court, criminal accountability remains absent. Similarly, human rights defender Amitha Priyanthi shared her 25-year struggle for justice for her brother, who died in custody, with the case still pending and suspects evading arrest.



"I have been fighting for 25 years to get justice for my brother, who was tortured and died in prison. Even after all this time, the criminal case is still ongoing. One of the suspects fled the country, and the others continue to walk free. Witnesses have died, evidence is weak, and the Attorney General's Department has failed us. The system has dragged on for so long that I sometimes feel my struggle is in vain. But I continue this fight not just for my brother, but for every family that has been silenced by fear and injustice."

— **Amitha Priyanthi**, Human Rights Defender

Expert Commentary

Dr. Gehan Gunatilleke, Commissioner, Human Rights Commission of Sri Lanka (HRCSL) stressed the institutional contradiction of allowing the police to investigate complaints against themselves, resulting in low conviction rates. HRCSL data showed over 700 complaints of torture in 2024 alone. Attorney Dulan Dassanayake underscored the inadequacy of legal processes: despite harsh penalties under the Act, the prosecution of cases is weak, and judges often acquit without full hearings. Ms. S.S.K. Kasturiarachchi emphasized that the Assistance to and Protection of Victims of Crime and Witnesses (Amendment) Act, No. 24 of 2023, has critical tools for victim protection, but procedural delays and reliance on police assessments undermine its effectiveness.



3. Legal and Structural Gaps

The Anti-Torture Act of 1994 offers stringent penalties, but the absence of effective enforcement mechanisms makes it a largely symbolic statute. Investigations are routinely handled by the police, leading to conflicts of interest. The Special Investigations Unit (SIU), responsible for probing torture cases, remains part of the police hierarchy. Meanwhile, the Attorney General's Department often delays or declines prosecutions. Courts are under-resourced and rarely conclude cases within reasonable timeframes. Many cases drag on for over a decade, rendering justice inaccessible.



"The structure itself is the problem. What we need is an independent investigative body separate from the police with legal authority and guaranteed resources. Sri Lanka already has a model in the Commission to Investigate Allegations of Bribery or Corruption (CIABOC). Internationally, South Africa has the Independent Police Investigative Directorate (IPID). Similar bodies operate in the UK, Canada, Australia, UK and US. These systems work because they remove conflict of interest and ensure accountability. Without such a mechanism here, we will spend the next 30 years talking about the same failures regarding accountability. The time for change is now. We shall support the advocacy for such a move."

— **Dr. Gehan Gunatilleke**, Commissioner, Human Rights Commission of Sri Lanka



"Protecting victims and witnesses is not just a legal duty it is essential for justice. Under the Assistance to and Protection of Victims of Crime and Witnesses (Amendment) Act, No. 24 of 2023, we have mechanisms to provide security, compensation, and even remote testimony. But these protections depend on threat assessments carried out by the police the very institution often accused of the abuse. That's a serious flaw. Victims must feel safe to come forward. Without trust, even the best legal framework fails. We must rethink how protection is delivered independent, swift, and survivor-centered."

— **Ms. S.S.K. Kasturiarachchi**, Director (Legal and Law Enforcement), National Authority for the Protection of Victims and Witnesses



4. Policy Recommendations

A. Create Independent Investigative and Prosecutorial Mechanisms

Establish a Torture Accountability and Investigation Commission (TAIC) with independent authority and resources, modeled after institutions such as CIABOC and foreign best practices like South Africa's IPID. This body must operate outside the police structure, ensuring impartiality and credibility.

B. Reform Legal and Judicial Procedures

Amend court procedures to mandate time-bound investigations and trials in torture cases. Introduce rules that allow for remote testimony to protect vulnerable victims and witnesses. Courts must ensure that preliminary objections and procedural delays do not prevent substantive justice.

C. Strengthen Victim Support and Protection

Implement comprehensive victim support mechanisms, including immediate legal aid, counseling, medical support, relocation assistance, and reparation. These services must be independent of police or state control to gain the victim trust.

D. Address Prevention of Terrorism Act (PTA) Abuses

"I once met an ordinary man who had been held under the Prevention of Terrorism Act (PTA) for 16 years. Eventually, the High Court acquitted him but only after more than a decade and a half in custody. In any civilized country, a person wrongfully detained for that long would be entitled to reparations without even having to file a case. But here, just recently, he was re-arrested this time in connection with an alleged terrorist plot in Arugam Bay. According to his family, the only link was a phone call from another suspect. PTA detainees are among the most vulnerable to torture and inhuman treatment, yet they rarely come forward to seek redress. Why? Because they fear extended detention or being re-arrested. This fear silences them, and the system takes advantage of that silence."

— **Dulan Dassanayake**, Attorney-at-Law and Human Rights Advocate

Many PTA detainees remain incarcerated for 10–16 years without conviction. Establish a special review mechanism to release those held without evidence and provide reparations. Enable PTA survivors to report torture safely through confidential, independent channels.

5. Conclusion

Thirty years after the passage of Sri Lanka's anti-torture legislation, the justice system remains structurally incapable of protecting victims or deterring perpetrators. Without urgent reforms particularly independent investigation, prosecutorial oversight, and victim-centered services the law will continue to fail. The Right to Life Human Rights Centre urges all stakeholders to act decisively to protect the right to be free from torture in Sri Lanka.



"After years of working on torture-related cases, I've come to understand that legal reform alone is not enough. We need a complete shift in how institutions function and how society perceives torture. The law must not just exist it must be implemented with integrity, urgency, and independence. That means removing investigative powers from those with vested interests, strengthening professional standards, and confronting the cultural acceptance of violence in our justice system. We owe it to every survivor and every silenced voice to make this change happen. Otherwise, the Torture Act will remain a hollow promise, and justice will remain out of reach."

— **Dulan Dassanayake**, Attorney-at-Law and Human Rights Advocate

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