

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the independence of judges and lawyers

Ref.: UA LKA 2/2026

(Please use this reference in your reply)

20 July 2026

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 58/14, 60/8, 60/10 and 62/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged arbitrary detention of Mr. Suresh Sallay**, former Director General of the State Intelligence Service and former Director of Military Intelligence of Sri Lanka, under the Prevention of Terrorism Act (PTA), as well as allegations of **torture and other cruel, inhuman or degrading treatment while in custody, resulting in the grave deterioration of his health, and imminent risks of retaliation through further torture and ill-treatment resulting in irreparable harm should he be released from hospital and returned to custody.**

According to the information received:

Mr. Suresh Sallay is a retired Major General and former Director General of the State Intelligence Service and former Director of Military Intelligence of Sri Lanka.

Arrest and detention

Mr. Sallay was arrested whilst travelling to his office on 25 February 2026 and detained at the Criminal Investigation Department, in connection with investigations into the Easter Sunday bombings of 2019. Three days following his arrest, on 28 February, the Ministry of Defence issued a detention order under the PTA for 90 days, which was subsequently extended for a further 90 days. The detention order alleges that Mr. Sallay had prior knowledge of the attacks and intentionally failed to disclose such information, thereby conspiring in, aiding and abetting the commission of those crimes, and concealed the identities of the perpetrators.

On 4 March 2025, defence counsel filed a motion to the Fort Magistrate's court seeking several orders, including access to Mr. Sallay. The Court noted that it had not been formally notified of Mr. Sallay's detention and an officer of the Criminal Investigation Department explained that it was still being considered under which case to name Mr. Sallay a suspect, raising concerns as to the

legality of the detention. During the approximately 103 days following his arrest, Mr. Sallay was questioned only on a limited number of occasions. Between April and June 2026, he was questioned only twice, for brief periods.

In 2024, two of the officials presently involved in steering the investigation against Mr. Sallay were the subject of adverse findings and recommendations for prosecution by a Presidential Commission of Inquiry in connection with the Easter Sunday attacks. The case record against Mr. Sallay reportedly contains no evidence to substantiate the allegations against him, and exculpatory evidence was ignored, including evidence that Mr. Sallay was stationed abroad at the time. It is alleged that the Director of the Criminal Investigation Department and other individuals are pursuing personal vendettas against Mr. Sallay.

On 1 July 2026, despite the defence's request that the investigation be transferred to an investigative authority independent of the Criminal Investigation Department, the Magistrate directed that the investigation remain with that Department.

Detention conditions

Mr. Sallay was reportedly held incommunicado throughout several periods of his detention. His access to family members and legal counsel was obstructed and restricted. Family visits were limited and monitored. Meetings with lawyers were initially conducted in the presence of officers of the Criminal Investigation Department, who recorded the conversations. Following complaints to the Magistrate's Court, an order was issued on 26 March 2026 directing that consultations between Mr. Sallay and his lawyers be facilitated without interference.

Mr. Sallay was reportedly held in inhuman conditions, in a cell measuring approximately 6.5 feet by 4.4 feet. He was allowed to leave the cell only during visits with family members and lawyers and when being questioned. The cell was infested with rats and illuminated continuously throughout the day and night, causing him to experience severe sleep deprivation and migraines. He was denied access to reading materials relating to his case and prohibited from taking notes.

Several days after his arrest, a group of officers entered his cell during the evening, stripped him naked in the presence of officers and other detainees, handcuffed him, and subjected him to humiliating and degrading treatment. Mr. Sallay was reportedly pressured to confess. Owing to the monitoring of meetings with family members and lawyers, he was unable to communicate the details of this incident fully until after the Magistrate ordered that lawyer-client consultations be conducted without interference on 26 March 2026. These measures have placed Mr. Sallay in a situation of acute vulnerability and his physical and psychological health has deteriorated.

On 7 March 2026, Mr. Sallay's wife submitted a complaint to the Inspector General of Police alleging cruel, inhuman and degrading treatment in custody

and raising concerns regarding restrictions on family visits, access to legal counsel and procedural irregularities. Requests were also made to preserve CCTV footage from the detention facility. It is reported that the Officer-in-Charge of the Criminal Investigation Department accessed the CCTV recordings covering the area in which Mr. Sallay is detained to conspire to delete or tamper with the footage.

On 11 March, 26 March and 22 April 2026, counsel raised concerns regarding Mr. Sallay's treatment and restrictions on confidential access to legal counsel before the Magistrate's Court. Complaints were also filed with the Human Rights Commission on 24 March and 23 April. On 22 April 2026, the Magistrate ordered that Mr. Sallay be seen and examined by a Judicial Medical Officer and a judicial psychiatrist. The Magistrate also warned that continued curtailment of access to a lawyer may open the Director of the Criminal Investigation Department to contempt of court proceedings. Soon after, the Magistrate was transferred and replaced by another judge, a measure reportedly unusual in the middle of a court session.

On 20 May 2026, counsel received the medical report. It stated that Mr. Sallay was suffering from post-traumatic stress disorder and contained findings consistent with torture and ill-treatment. The recommendations made by a consultant nutritionist were reportedly not implemented.

On 3 June 2026, counsel sought an order for Mr. Sallay to be transferred from the Criminal Investigation Department detention facility. On 10 June 2026, the court ordered that he undergo further psychiatric assessment by a panel of five consultant psychiatrists, but no order was made to change his place of detention.

On 6 June 2026, Mr. Sallay commenced a hunger strike and stopped consuming food and water. On 7 June 2026, a family member visited him and found him in a significantly deteriorated physical condition. Later that evening, he was admitted to the National Hospital of Sri Lanka. Immediately following his admission, his lawyer requested permission to visit him but was only authorized to make one visit every Wednesday; his junior colleague is not permitted to visit Mr. Sallay without him even where counsel has professional commitments or court appearances on Wednesdays and is unable to visit Mr. Sallay.

On 27 June 2026, Mr. Sallay was transferred to the Cardiac Coronary Care Unit of the National Hospital after he experienced severe chest pain. He has now been classified as a high-risk cardiac patient. The cardiologists have informed his family that surgical intervention and a cardiac implant may be necessary to preserve his life, and that his present condition renders him unsuitable for detention. On 1 July 2026, Mr. Sallay discontinued his hunger strike. On 8 July 2026, Mr. Sallay's lawyer was informed by Criminal Investigation Department officers that they received instructions not to permit him to meet his client without their supervision. They remained present during Mr. Sallay's meeting with counsel.

The Criminal Investigation Department has reportedly failed to produce the medical report prepared by the hospital to the Court. Given complaints already

filed against officers of the Department, it is feared that Mr. Sallay risks retaliation should he be returned to their custody, including further torture or ill-treatment. His physical vulnerability, deteriorating mental condition, and dependence upon continuous specialist medical care render the risk of such retaliation immediate and grave.

The conditions surrounding Mr. Sallay's detention have also caused immense distress and suffering to his family.

Without wishing to prejudge the accuracy of these allegations, we express serious concern that they may constitute violations of international human rights law, including the right to life (article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Sri Lanka on 11 June 1980), the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (ICCPR, article 7 and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Sri Lanka on 3 January 1994, articles 2 and 16), the right to liberty and security of person (ICCPR, article 9), the right of persons deprived of their liberty to be treated with humanity and with respect for their inherent dignity (ICCPR, article 10), the right to health (article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Sri Lanka on 11 June 1980), and the right to an effective remedy (article 2(3)).

We have repeatedly expressed concern regarding the compatibility with international law of the Prevention of Terrorism Act and amendments to the Act ([LKA 4/2023](#), [LKA 3/2021](#), [LKA 1/2019](#), and [LKA 5/2018](#)). In particular, we have emphasized that the vague and overbroad definition of terrorism and excessively broad detention powers risk leading to arbitrary and prolonged deprivation of liberty. In [LKA 1/2026](#), we welcomed your Excellency's Government's commitment to reviewing and replacing the PTA and urged your Excellency's Government to ensure that any new legislation conforms with international law, as reflected in the benchmarks set out in [LKA 4/2023](#). We renew our calls for an immediate moratorium on the continued use of the PTA until the necessary amendments have been made.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

We are deeply concerned by the serious allegations of torture and other cruel, inhuman and degrading treatment inflicted on Mr. Sallay, including for the purpose of forcing a confession, in violation of article 7 of the ICCPR and articles 2 and 16 of CAT. The findings of the court-ordered medical examinations appear to corroborate these allegations. We are further concerned that Mr. Sallay appears to have been detained incommunicado and that his visits from and communications with legal counsel and family members were obstructed and monitored. The Human Rights Committee has emphasized that prolonged incommunicado detention and restrictions on access to lawyers and family members may facilitate torture and ill-treatment and violate article 7 of the ICCPR (general comment No. 20, para. 11).

We are concerned that, despite repeated complaints by family members and counsel and the findings contained in court-ordered medical examinations, allegations of torture and ill-treatment do not appear to have been promptly, independently and

effectively investigated, contrary to articles 12 and 13 of the CAT and the right to an effective remedy under article 2 of the ICCPR (see also Human Rights Committee, general comment No. 31, para. 15). Noting the reported risks of retaliation should Mr. Sallay be returned to the custody of the Criminal Investigation Department, we remind your Excellency's Government that the transfer of a person to the custody or control of an individual or institution known to have engaged in torture or ill-treatment violates the State's obligation to take effective measures to prevent torture under article 2 (1) of the CAT (Committee against Torture, general comment No. 2, para. 19).

We echo the concerns [raised](#) by the UN Subcommittee on Prevention of Torture (SPT) following its recent visit to Sri Lanka, regarding prolonged pre-trial detention, overcrowding and inadequate conditions in detention facilities, and persistent risks of torture and ill-treatment in places of deprivation of liberty in Sri Lanka.

Conditions of detention

The detention of Mr. Sallay in a cell measuring approximately 6.5 feet by 4.4 feet, with continuous illumination, restrictions on movement, and inadequate medical and nutritional care, appears inconsistent with the requirement to treat detainees with humanity and with respect for their inherent dignity under article 10 of the ICCPR, and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health under article 12 of the ICESCR. States parties are obliged to refrain from denying or limiting equal access to health services for all persons, including those deprived of their liberty (Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 34). These allegations also raise concerns regarding compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which require that accommodation provide adequate floor space, lighting and ventilation (rules 12–17), that prisoners enjoy access to healthcare services equivalent to those available in the community and clinical decisions be taken independently (rules 24–27), and that prisoners be able to communicate with family members and legal advisers, including in full confidentiality (rules 58 and 61).

We are gravely concerned that the reported conditions of confinement and restrictions imposed on Mr. Sallay may have contributed to the deterioration of his physical and psychological health and led him to initiate a hunger strike. We call your Excellency's Government's attention to article 6 of the ICCPR, which protects the inherent right to life and imposes heightened obligations on States to protect the lives of individuals deprived of their liberty (general comment No. 36, para. 25). As stated by the Human Rights Committee, "by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity" (ibid). We also remind your Excellency's Government that, in line with general comment No. 14 of the Committee on Economic, Social and Cultural Rights, the right to health requires that States refrain from denying or limiting access to preventive, curative and palliative health services, including to detainees (para. 34).

Liberty, security of person and due process

The right to liberty and security of person under article 9 of the ICCPR remains fully applicable in the context of counter-terrorism investigations. Article 9 prohibits unlawful or arbitrary detention. We are concerned that since the beginning of his detention, Mr. Sallay appears to have been questioned only infrequently and that, on 4 March 2026, more than a week after his arrest, the authorities were still determining under which case to name Mr. Sallay as a suspect. These allegations raise doubts as to the legality of Mr. Sallay's detention, including its necessity and reasonableness as required under article 9 of the ICCPR (see Human Rights Committee, general comment No. 35, paras. 12 and 15). As noted by the Human Rights Committee, the prohibition on "arbitrary" detention includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality (para. 12).

Additionally, we are concerned that Mr. Sallay was placed in detention under a detention order issued by the Ministry of Defence under the PTA without any judicial authorization. While Mr. Sallay was detained on 25 February 2026, it is reported that the Court was not informed of his detention until at least 4 March 2026. Together with the allegations of incommunicado detention, subsequent restrictions on and monitoring of communications with legal counsel, and attempts to coerce a confession, these allegations raise concern regarding due process and Mr. Sallay's ability to challenge the legality of his detention under article 9 (4) of the ICCPR. We call your Excellency's Government's attention to rule 61 of the Nelson Mandela Rules, which provides that anyone detained must be provided with "adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law."

We are particularly alarmed at the allegations that two of the individuals involved in leading the proceedings against Mr. Sallay appear to have themselves been the subject of adverse findings and recommendations for prosecution by a Presidential Commission of Inquiry in 2024 in connection with the Easter Sunday attacks. Together with the reported lack of evidence in the case record, evidence tampering and failure to consider exculpatory evidence, these allegations raise further doubts as to the legality of Mr. Sallay's detention and compliance with the procedural safeguards protecting against arbitrary detention under article 9 of the ICCPR. The replacement of the Magistrate shortly after he had ordered measures to protect the rights of Mr. Sallay raise further concerns about possible undue interference with the administration of justice and the fairness of the investigation against Mr. Sallay.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the factual and legal basis for Mr. Sallay's arrest and continued detention under the PTA, including the current status of any investigations, charges or proceedings against him. Please indicate whether he will be promptly released if his detention is found to be arbitrary.
3. Please detail the steps taken to ensure procedural safeguards against arbitrary detention, including through ensuring Mr. Sallay's unimpeded access to legal counsel, including while hospitalized, the confidentiality of their exchanges, and that no statement obtained under torture or other form of ill-treatment has been or will be relied upon to justify his arrest or continued detention, or used in any subsequent judicial proceedings. Please also explain how the involvement of two officials suspected of being implicated in the Easter Sunday attacks in the proceedings against Mr. Sallay on similar accusations is compatible with the independent and impartial administration of justice.
4. Please detail the circumstances of the incommunicado detention of Mr. Sallay, without access to legal counsel or his family, and explain how such detention complies with international standards.
5. Please provide information regarding Mr. Sallay's current physical and psychological condition, the access to healthcare and medical treatment and care being provided to him, and the measures taken to safeguard his life, physical and mental integrity. Please also indicate whether the recommendations contained in the reports prepared by the Judicial Medical Officer, judicial psychiatrist and other medical professionals have been implemented.
6. Please provide information regarding the allegations that Mr. Sallay was subjected to torture and other cruel, inhuman or degrading treatment or punishment, including humiliating treatment, the conditions of his confinement and restrictions on contact with his family members, and explain how such measures comply with international standards. Please indicate what steps are being taken to ensure that his treatment and conditions of detention are consistent with Sri Lanka's obligations under international human rights law.
7. Please indicate whether any prompt, independent and impartial investigations have been initiated into allegations of torture and ill-treatment, including complaints submitted by family members and counsel and the findings contained in the court-ordered medical

examinations, and if so, please provide information regarding their status and any measures taken to preserve relevant evidence.

8. Please indicate what measures will be taken to ensure that Mr. Sallay is not returned to custody of the Criminal Investigation Department whilst complaints against its officers are under consideration and put him at risk of retaliation and irreparable harm.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

After forwarding the information contained in this communication to the Government, the Working Group on Arbitrary Detention may also refer the case through its regular procedure in order to determine whether the deprivations of liberty were arbitrary or not. This communication in no way prejudices any opinion the Working Group may issue. The Government is required to respond separately to the urgent appeal and to the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable harm to the life, physical and mental integrity of Mr. Sallay, to halt the alleged violations and prevent their re-occurrence, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

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