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Human Rights Commission of Sri Lanka

**REPORT ON UNANNOUNCED INSPECTION OF
THE IMMIGRATION DETENTION CENTRE,
MULLAITIVU BY THE NATIONAL PREVENTIVE
MECHANISM ON 3 SEPTEMBER 2026**

October 2026

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1. Introduction

This report presents the findings and policy recommendations resulting from an unannounced inspection conducted by the National Preventive Mechanism (NPM) of the Human Rights Commission of Sri Lanka (HRCSL) at the Air Force Camp, Mullaitivu, on 3 September 2026. The facility currently functions as a designated immigration detention centre housing 119 stateless Rohingya asylum seekers.

The inspection was conducted pursuant to the statutory mandate vested in the HRCSL under the Human Rights Commission of Sri Lanka Act, No. 21 of 1996,¹ and its designation as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).²

While basic life-sustaining resources, such as food, basic water supply, and periodic distributions of personal care items are provided to the detainees, the inspection identified critical compliance failures regarding domestic constitutional guarantees and international human rights standards. The primary areas of operational concern include:

- a. **Overcrowding and inadequate ventilation:** Hall No. 17 accommodates 74 women and children in conditions characterized by severe heat and insufficient air circulation.
- b. **Inadequate gender-segregated facilities and privacy risks:** Female detainees must traverse spaces occupied by male boat owners and utilize sanitary facilities separated only by a temporary wooden partition.
- c. **Absence of dedicated medical transport:** The facility lacks an ambulance,

¹ Parliament of the Democratic Socialist Republic of Sri Lanka. *Human Rights Commission of Sri Lanka Act, No. 21 of 1996*. Certified 21 August 1996.

² Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA Res 57/199, UN Doc A/RES/57/199 (18 December 2002, adopted; entered into force 22 June 2006).

leading to potential delays during emergency medical evacuations to Manhole Hospital.

- d. **Denial of fundamental child rights:** Newborn children in the camp are denied official birth registration in violation of section 5(1)(a) of the ICCPR Act.³ Furthermore, no formal educational structures exist for the 60 children residing in the facility.
- e. **Due process and communication deficits:** Severe language barriers persist, with only two detainees capable of communicating in English or Sinhala. Detainees remain uninformed regarding their legal status, judicial hearing dates, and rights as asylum seekers.
- f. **Administrative deficiencies:** The Department of Immigration and Emigration lacks a permanent, on-site duty officer, creating administrative delays in daily facility management. Additionally, multi-agency staff operate out of makeshift, substandard structures lacking concrete flooring and basic climate control.

The HRCSL reiterates that all persons within the territory of Sri Lanka—regardless of their nationality, citizenship, or legal status—are fully entitled to absolute protection against cruel, inhuman, or degrading treatment under article 11 of the Constitution.⁴ Furthermore, the Commission emphasizes the absolute binding nature of the principle of non-refoulement under section 18 of the International Convention for the Protection of All Persons from Enforced Disappearance Act, No. 5 of 2018 and customary international law.⁵

³ International Covenant on Civil and Political Rights (ICCPR) Act, No 56 of 2007, s 1(a).

⁴ Constitution of the Democratic Socialist Republic of Sri Lanka 1978, art 11.

⁵ International Convention for the Protection of All Persons from Enforced Disappearance Act, No 5 of 2018, s 18.

2. Mandate, Institutional Framework, and Methodology

2.1 Mandate of the Human Rights Commission of Sri Lanka

The Human Rights Commission of Sri Lanka is an independent statutory body established by Parliament under the Human Rights Commission of Sri Lanka Act, No. 21 of 1996. The Commission is legally charged with promoting and protecting fundamental rights, monitoring state compliance with international human rights obligations, investigating alleged violations, and making executive and administrative recommendations to government bodies.⁶

2.2 The National Preventive Mechanism (NPM) and OPCAT Framework

Following Sri Lanka's accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the HRCSL was officially designated as the country's National Preventive Mechanism (NPM).

Under OPCAT, the NPM is granted unrestricted access to all places of deprivation of liberty under state control or jurisdiction. The primary function of the NPM is preventive rather than reactive: it systematically examines the treatment and detention conditions of individuals deprived of their liberty to proactively eliminate conditions or practices that could amount to torture or other cruel, inhuman, or degrading treatment or punishment.

2.3 Methodology, Scope, and Inspection Protocol

On 3 September 2026, an unannounced inspection was conducted at the Sri Lanka Air Force Camp, Mullaitivu. The visiting inspection delegation comprised four officers from the Research and Monitoring Division and Regional Offices: Mr. Nihal

⁶ Human Rights Commission of Sri Lanka Act, No 21 of 1996.

Chandrasiri – Director, Research and Monitoring Division/ Focal Director – NPM; Ms. A. Sakunthala – Regional Coordinator, Vavuniya Regional Office; Ms. Nandika Wijayawithana – Human Rights Officer; and Ms. Subashini Thilagaratnam – Human Rights Officer.

The inspection methodology incorporated the following triangulated monitoring techniques:

- **Direct physical inspection:** Visual checks of all residential quarters, dining spaces, sanitation units, perimeter barriers, and administrative staff quarters.
- **Detainee interviews:** Confidential, voluntary interviews conducted with detainees across demographic groups, facilitated by bilingual detainee interpreters.
- **Administrative and stakeholder engagement:** Discussions with on-site police officers, Air Force personnel, and regional immigration authorities.
- **Documentary review:** Inspection of registers, medical clinic cards, birth records, and past monitoring logs (including comparison against the previous NPM inspection carried out on 19 January 2026).

3. Background, Timeline, and Historical Context

3.1 The Statelessness and Persecution of the Rohingya Ethnic Group

The Rohingya are an ethnic Muslim minority hailing predominantly from Rakhine State in Myanmar. Under the Myanmar Citizenship Law of 1982,⁷ the Rohingya community was omitted from the list of 135 legally recognized ‘national races’, effectively rendering the population stateless. This structural disenfranchisement has deprived millions of Rohingya of basic civil, political, economic, and social rights, precipitating recurring waves of state-sponsored violence, displacement, and mass flight across the Bay of Bengal. As noted in the HRCSL’s previous fact-finding report.⁸ The members of the Rohingya community are at risk of facing enforced disappearance.

3.2 Maritime Rescue off Mullivaikkal and Initial Interventions

On the morning of 19 December 2024, a distressed wooden multi-day trawler carrying 116 Rohingya individuals drifted into Sri Lankan territorial waters off the coast of Mullivaikkal in Mullaitivu. Local Sri Lankan fishermen first spotted the vessel and provided emergency humanitarian assistance, supplying water, food, and initial care. Subsequent state investigations indicated that twelve individuals within the group were allegedly responsible for facilitating the maritime journey.

3.3 Formal Declaration as a Detention Facility

Following their rescue, the state took formal measures to restrict the movement of the group. On 30 December 2024, an Extraordinary Gazette Notification was published, declaring the Sri Lanka Air Force Camp at Mullaitivu as a recognized immigration

⁷ Burma Citizenship Law (Pyithu Hluttaw Law No 4 of 1982).

⁸ Human Rights Commission of Sri Lanka, Report on the Status of Rohingya Asylum Seekers Detained in Mullaitivu, and Related Issues (January 2025) https://www.hrcsl.lk/wp-content/uploads/2025/01/HRCSL-Report-on-Rohingya-Asylum-Seekers_January-2025.pdf accessed 15 October 2026.

detention centre. Since that declaration, the group has remained confined within the facility under multi-agency military and police supervision.⁹

⁹ Extraordinary Gazette of the Democratic Socialist Republic of Sri Lanka No 2417/11, 30 December 2024.

4. Applicable Legal Frameworks and International Standards

4.1 Constitutional Guarantees

The fundamental rights protected under Chapter III of the Constitution of the Democratic Socialist Republic of Sri Lanka apply to all individuals within Sri Lanka's territorial jurisdiction, irrespective of citizenship or legal status:¹⁰

- **Article 11 (Freedom from torture)** provides: ‘No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.’ Conditions of confinement that cause severe physical or mental suffering due to overcrowding, extreme heat, or lack of hygiene violate this standard.
- **Article 12(1) (Right to equality)** provides: ‘All persons are equal before the law and are entitled to the equal protection of the law.’
- **Article 13 (Freedom from arbitrary arrest and detention)** guarantees to all persons freedom from arbitrary detention, the right to be informed of the grounds for detention, and access to fair trial protections.

4.2 Domestic Statutory Protections

The ICCPR Act incorporates core international rights into domestic law:

- **Section 4 (Fair trial and translation rights)** mandates that any person charged with an offence or involved in judicial proceedings has the right ‘to have the assistance of an interpreter where such person cannot understand or speak the language in which the trial is being conducted.’
- **Section 5(1)(a) (Right to birth registration)** explicitly guarantees to every child the right to have their birth registered and to receive a name immediately from birth.
- **Section 5(2) (Best interests of the child)** mandates that in all decisions concerning children undertaken by administrative, judicial, or social welfare bodies, ‘the best interest of the child shall be of paramount importance’. This

¹⁰ Constitution of the Democratic Socialist Republic of Sri Lanka 1978, art 11, art 12(1) & art 13.

legal obligation applies unconditionally to children regardless of citizenship.¹¹

4.3 Domestic Non-Refoulement Obligations

Although Sri Lanka is not a signatory to the 1951 Convention Relating to the Status of Refugees, the principle of non-refoulement is explicitly enshrined in Sri Lanka's domestic statutory law. Section 18(1) of the International Convention for the Protection of All Persons from Enforced Disappearance Act: 'No person shall be expelled, returned, surrendered or extradited to another State where there are substantial grounds for believing that such person would be in danger of being subjected to enforced disappearance.'¹²

Section 18(2) further specifies that authorities must evaluate all relevant factors, including the presence of systematic or flagrant human rights violations in the receiving country. UN Independent International Fact-Finding Mission reports on Myanmar explicitly document the fact that the Rohingya community faces systemic risks of enforced disappearance. Consequently, any attempt to deport or forcibly return these detainees to Myanmar would constitute a direct violation of Sri Lankan law.¹³

4.4 Customary International Law Standards

Sri Lanka is bound by customary international law and international human rights standards, including:

- **The Principle of Non-Refoulement:** This peremptory norm of international law prohibits the removal of refugees or asylum seekers to territories where their life

¹¹ International Covenant on Civil and Political Rights (ICCPR) Act, No 56 of 2007, s 4, s 1(a) & s (2).

¹² International Convention for the Protection of All Persons from Enforced Disappearance Act, No 5 of 2018, s 18(1).

¹³ *ibid* s 18(2).

or freedom would be threatened.¹⁴

- **UN Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)** sets out standards for accommodation, hygiene, clothing, medical services, and human dignity.¹⁵
- **UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules)** requires gender-specific health, hygiene, and personal safety protections for detained women.¹⁶

¹⁴ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137, art 33(1);

¹⁵ United Nations General Assembly, ‘United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)’ UNGA Res 65/229 (21 December 2010) UN Doc A/RES/65/229, annex, rr 5, 10–18 and 19–21.

¹⁶ UN General Assembly, ‘United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)’ UNGA Res 65/229 (21 December 2010) UN Doc A/RES/65/229.

5. Detailed Findings and Operational Assessment

5.1 Demographics, Inmate Tracking, and Population Dynamics

Between the NPM inspection on 19 January 2026 and the visit on 3 September 2026, the detainee population increased from 116 to 119 individuals. This net increase accounts for one recorded death and four births within the facility.

Table 1: Detainees at the Mullaitivu Air Force Camp on 3rd September 2026

Category	Number	Percentage (%)
Adult Males	35	29.4%
Adult Females	24	20.2%
Male Children (under 18)	30	25.2%
Female Children (under 18)	30	25.2%
Total Inmate Population	119	100.0%

Demographic highlights and specific vulnerabilities:

- **Children:** 60 of the 119 detainees (50.4%) are children. Seven children reside in the camp without a parent or legal guardian.
- **Infants:** Four births occurred at the facility between January 2025 and August 2026:
 - Male Infant born 20 January 2025
 - Male Infant born 28 May 2025
 - Male Infant born 11 April 2026
 - Female Infant born 24 August 2026
- **Maternal health:** One pregnant woman was residing at the camp during the inspection.
- **Elderly:** Two elderly detainees (aged 63 and 90 years) were identified as requiring **dedicated** medical care and dietary support.

5.2 Facility Architecture, Spatial Allocation, and Living Conditions

The detention facility is divided into four primary structural halls:

- **Hall No. 16:** Houses 33 male detainees and male children.

- **Hall No. 17:** Houses 74 female detainees and children. This hall suffers from severe overcrowding, with insufficient floor space per occupant.
- **Hall No. 18:** Functions exclusively as a centralized dining hall.
- **Hall No. 19:** Accommodates 12 male individuals identified as boat owners/facilitators.

Spatial allocation concerns:

- **Familial separation:** Despite the presence of intact family units, state authorities do not permit families to cohabit in designated family spaces. Spouses and fathers are forcibly separated from wives and children overnight.
- **Heat and ventilation:** Accommodation halls lack elevated ceilings, heat insulation, and adequate cross-ventilation. High ambient temperatures in Mullaitivu cause internal hall temperatures to reach unbearable levels during daytime hours.

5.3 Security Protocols, Administrative Oversight, and Coordination

Security is maintained by a combined contingent of four police officers (two male and two female officers drawn from Welioya and Mankulam Police Stations) and one Navy officer.

- **Relational security:** Interpersonal rapport between security personnel and detainees was observed to be calm and respectful.
- **Physical restrictions:** Detainees are locked inside their respective halls overnight. Movement outside during the day requires explicit permission from security staff.
- **Administrative isolation:** The facility operates under the operational jurisdiction of the Department of Immigration and Emigration. An Assistant Controller serves as the designated focal point. However, no department of immigration officer is permanently stationed on-site. This absence leads to administrative delays in resolving daily logistical, legal, and operational challenges.
- **Protection and external access:** The camp is strictly restricted. UNHCR

personnel are currently denied physical access to the site, limiting direct international protection assessments.

5.4 Sanitation, Hygiene, Water Quality, and Material Supplies

- **Water supply:** The camp maintains a sufficient volume of water for drinking, bathing, and domestic washing.
- **Gender-segregated sanitation concerns:** External toilet and washing blocks are available. However, female detainees face security and privacy risks. To reach their designated sanitary units, women and young girls must walk through the dining hall and past Hall No. 19 (housing the male boat owners). The female toilet block is separated from Hall No. 19 by only a flimsy wooden fence, providing inadequate privacy or safety.
- **Material distribution discrepancies:** Personal items (clothing, soap, sanitary pads, footwear) are provided by the International Committee of the Red Cross (ICRC) and the Department of Immigration and Emigration. Detainees reported that while ICRC supply runs are sufficient, state distributions fall short of demand. These recurring supply shortages have caused interpersonal friction and arguments among detainees.

5.5 Healthcare Access, Emergency Medical Response, and Special Needs

- **Emergency transport failures:** Medical care is provided via referral to Manchole Hospital. However, the camp has no dedicated ambulance. In emergencies, staff must request a vehicle from the main Air Force Camp. This multi-tiered request process introduces critical delays during acute medical crises.
- **Special care:** The facility lacks specialized protocols for vulnerable groups. The 90-year-old and 63-year-old detainees do not receive routine geriatric check-ups or modified geriatric nutrition. Similarly, prenatal care for the pregnant detainee remains informal and irregular.

5.6 Legal Literacy, Due Process, and Translation Safeguards

A primary finding of this inspection is the complete lack of procedural clarity available to the detainees:

- **Language barrier:** Out of 119 detainees, only two speak functional Sinhala and English. All other inmates speak only Rohingya. The facility employs no professional interpreters.
- **Legal ignorance:** Detainees are uninformed regarding the legal status of their detention, pending judicial charges, upcoming court dates, or asylum processes.
- **Fair trial rights:** The absence of state-provided interpretation during legal steps violates section 4 of the ICCPR Act.

5.7 Vulnerable Persons: Children, Women, and Elderly Detainees

- **Denial of birth registration:** None of the four infants born in Sri Lanka have been issued official birth certificates. Authorities have only issued routine child vaccination and health clinic cards. This practice violates section 5(1)(a) of the ICCPR Act and article 7 of the UN Convention on the Rights of the Child.
- **Unaccompanied minors:** Seven children reside at the site without parents or legal guardians. No formal legal guardianship or specialized child protection frameworks have been established for these minors.

5.8 Educational, Recreational, and Development Needs

- **Educational void:** Despite children accounting for over half the detainee population, no structured educational programmes exist. Children are denied instruction in foundational subjects (Mathematics) and languages.
- **Idleness and psychological strain:** The camp provides zero sports or recreational equipment. Detainees pass entire days in enforced idleness, compounding mental distress, anxiety, and trauma.

5.9 Working Conditions and Challenges Faced by On-Site Staff

The inspection evaluated the working conditions of the security and administrative

staff stationed at the camp:

- **Substandard office facilities:** Duty personnel operate out of a makeshift hut equipped with only two tables and a few chairs. The structure lacks a concrete or cemented floor; during rain, the interior floor turns into mud.
- **Climatic working hazards:** The staff hut contains no ceiling fans, exposing duty officers to severe heat during shifts.
- **Logistical constraints:** Staff lack a dedicated administrative vehicle to handle daily tasks, such as transporting hot meals or collecting medical supplies.

6. Recommendations

The HRCSL issues the following actionable recommendations with a view to addressing the human rights concerns raised through its findings and bring detention conditions into compliance with domestic law and international human rights standards:

6.1 Immediate Remedial Actions (0–30 Days)

a. Birth registration and protection of children

- **Issue birth certificates:** The Registrar General’s Department, in coordination with the Ministry of Defence and the Department of Immigration and Emigration should immediately register the births of the four infants born in Sri Lanka and issue official birth certificates pursuant to section 5(1)(a) of the ICCPR Act.
- **Unaccompanied minors:** The Department of Probation and Child Care Services should assess the seven unaccompanied minors and implement individual care plans in accordance with the best interests of the child.

b. Gender security and privacy infrastructure

- **Reconstruct sanitary barriers:** Replace the wooden fence separating the female toilets from Hall No. 19 with a permanent, secure wall to guarantee complete visual and physical privacy.
- **Safe passage protocols:** Modify camp layouts so that female detainees can access dining and sanitary facilities without passing through spaces occupied by male detainees or boat owners.

c. Administrative and operational presence

- **Station on-site immigration officers:** The Department of Immigration and Emigration should assign a full-time, resident duty officer to the camp to manage operational needs, detainee requests, and multi-agency coordination.

6.2 Medium-Term Structural and Administrative Reforms (1–3 Months)

a. *Environmental health and accommodation adjustments*

- **Heat mitigation:** Install industrial wall fans, exhaust units, and heat-reflective roof insulation across all halls, prioritizing Hall No. 17.
- **De-crowding and family co-housing:** Reallocate structural spaces within the camp to relieve overcrowding in Hall No. 17 and establish secure, dedicated co-housing zones for intact family units.

b. *Medical infrastructure and specialized care*

- **Emergency medical transport:** Station a dedicated ambulance or permanent medical transfer vehicle at the facility. Establish a formal Service Level Agreement with the Air Force for immediate medical dispatches.
- **On-site medical visits:** Schedule weekly visits by a Ministry of Health Medical Officer to conduct health checks, monitor maternal health, and provide specialized geriatric care for the 63-year-old and 90-year-old detainees.

c. *Educational and recreational infrastructure*

- **Child education programmes:** Collaborate with the Ministry of Education and UNICEF Sri Lanka to establish structured daily classes covering English and Mathematics.
- **Recreational provision:** Supply sports equipment, games, and reading materials suited to various age groups.

d. *Legal access and interpretation services*

- **Professional interpretation:** Ensure certified Rohingya-to-Sinhala/English interpreters are present during all formal legal, administrative, and judicial

proceedings.

- **Legal status disclosures:** Provide every detainee with written documentation in Rohingya detailing their detention status, legal rights, and upcoming court dates.

e. *Staff working conditions*

- **Upgrade staff quarters:** Construct a permanent, concrete-floored office for duty officers, equipped with proper desks, seating, and climate control fans.
- **Staff transport:** Provide a dedicated administrative utility vehicle for staff to transport meals, supplies, and operational materials.

6.3 Strategic Policy Realignment and Inter-Agency Directives

a. *International stakeholder engagement*

- **UNHCR access:** Grant UNHCR officers access to the detention facility to perform mandate evaluations, registration, and durable solution assessments.
- **Regional UNHCR coordination:** Establish formal communication channels with the UNHCR Regional Office in Bangkok to coordinate third-country resettlement processing.
- **Inter-agency support:** Engage the Ministry of Women and Child Affairs and UNICEF to implement targeted protection programs for women and children.

b. *Non-refoulement safeguards:*

- Ensure no administrative order is issued or judicial order is sought to return, deport, or extradite any Rohingya detainee to Myanmar, adhering strictly to section 18 of the Enforced Disappearance Act.

7. Conclusion

The findings of this unannounced inspection demonstrate that, while basic humanitarian assistance is being provided to the 119 Rohingya asylum seekers at the Air Force Camp, Mullaitivu, current detention conditions fall short of domestic law and international human rights standards. Prolonged arbitrary detention without procedural clarity, severe language isolation, heat discomfort, structural security risks for women, and the denial of basic rights to children demand immediate state intervention.

The HRCSL emphasizes that state security measures must be compatible with human rights obligations. Asylum seekers—regardless of their mode of entry—possess the rights to human dignity, equal protection before the law, and protection from cruel, inhuman or degrading treatment.

The HRCSL appreciates the cooperation extended by the military and police personnel on-site during the inspection. The Commission calls upon the Department of Immigration and Emigration, the Ministry of Defence, the Ministry of Health, and the Registrar General's Department to swiftly implement the recommendations contained in this report. The NPM will continue to monitor the facility to track compliance with the Commission's recommendations.

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