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amnesty international

SRI LANKA

**EXTRAJUDICIAL EXECUTIONS,
'DISAPPEARANCES' AND
TORTURE, 1987 TO 1990**



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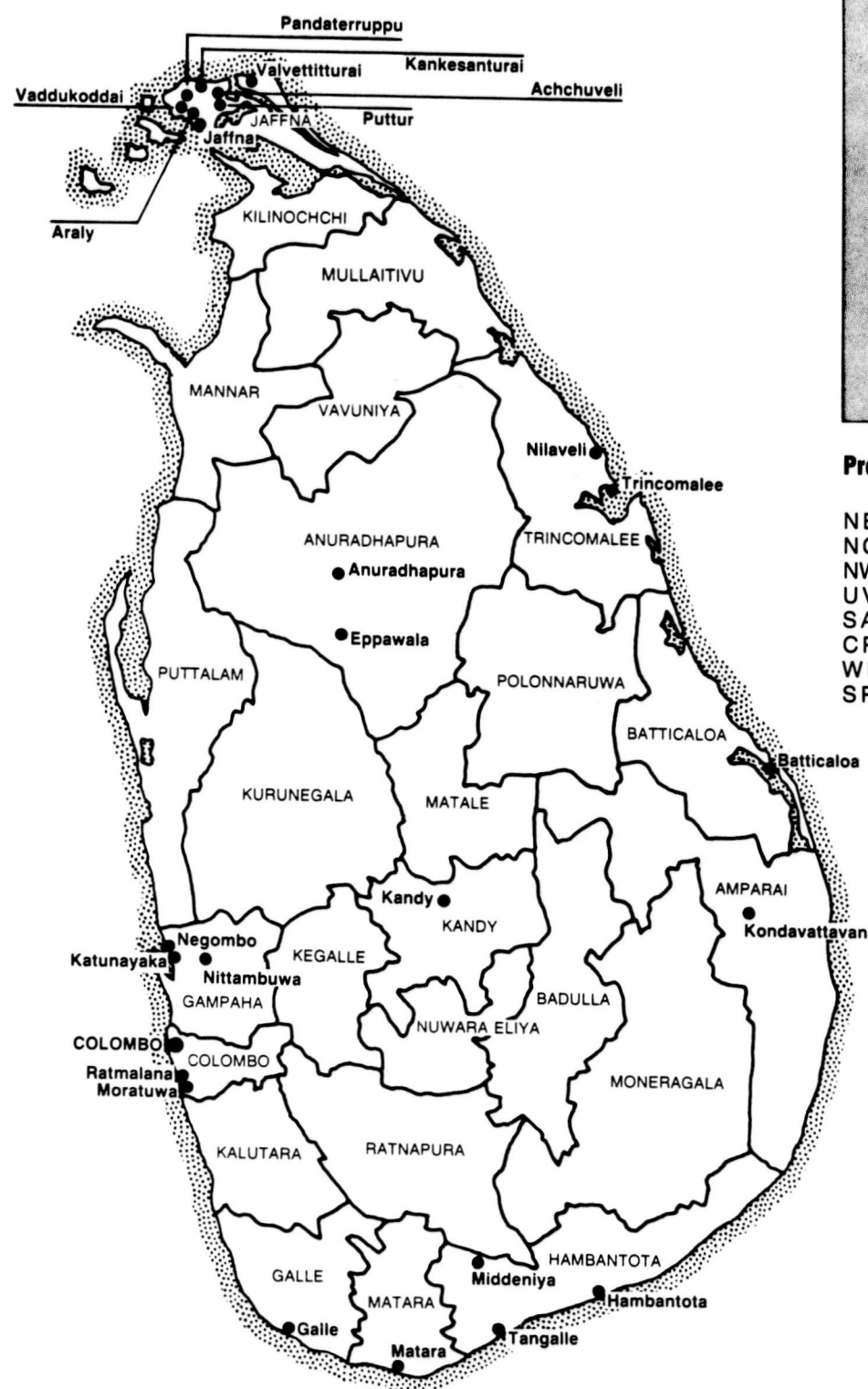
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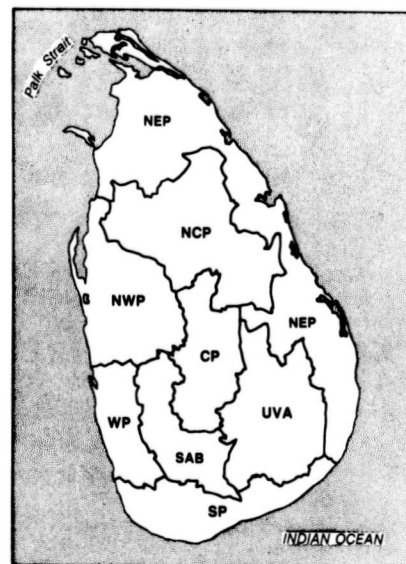
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Sri Lanka



Sri Lanka, showing administrative districts

In this report "the south" refers to all provinces except for Northeastern Province.



Provinces of Sri Lanka

- NEP — Northeastern Province
- NCP — North Central Province
- NWP — North Western Province
- UVA — Province of Uva
- SAB — Province of Sabaragamuwa
- CP — Central Province
- WP — Western Province
- SP — Southern Province

TABLE OF CONTENTS

Section	Page
1. INTRODUCTION: A CLIMATE OF FEAR	1
1.1 Background	4
1.2 The Indo-Sri Lanka accord	6
1.3 The rise of armed opposition in southern Sri Lanka	7
1.4 The government's response	10
1.5 Human rights in a context of armed opposition	11
2. EXTRAJUDICIAL EXECUTIONS	13
2.1 Who are the plainclothes armed groups?	15
2.2 Who are the victims?	19
2.2.1 The killing of prisoners	20
2.2.2 Killing of suspects as an alternative to arrest	24
2.2.3 Killing of prisoners facing trial	25
2.2.4 Killing of suspects' relatives	25
2.2.5 Killing of lawyers and witnesses to human rights violations by the security forces	26
2.2.6 Reprisal killings	28
3. "DISAPPEARANCES"	30
3.1 "Disappearances" in southern Sri Lanka	32
4. TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OF PRISONERS	39
5. THE NORTHEAST	42
5.1 The context of human rights violations: abuses by the LTTE	43
5.2 Extrajudicial executions	43
5.3 "Disappearances"	49
5.4 Human rights concerns in the northeast following the withdrawal of the IPKF	53

6. SEEKING REMEDIES TO HUMAN RIGHTS VIOLATIONS	53
6.1 Domestic Remedies	53
6.1.1 Habeas corpus	53
6.1.2 Fundamental rights petitions	55
6.1.3 Criminal cases against security forces officers for alleged violations of human rights	56
6.1.4 Recent steps taken by the government	58
6.2 International remedies	61
6.2.1 The UN Working Group on Enforced or Involuntary Disappearances	61
6.2.2 The UN Special Rapporteur on Torture	62
6.2.3 The UN Special Rapporteur on Summary and Arbitrary Executions	62
6.2.4 The International Committee of the Red Cross	62
7. AMNESTY INTERNATIONAL'S RELATIONS WITH THE GOVERNMENT OF SRI LANKA	63
8. CONCLUSIONS AND RECOMMENDATIONS	63
8.1 Safeguards against extrajudicial executions	64
8.2 Safeguards against "disappearance" and torture	66
9. NOTES	69
10. LIST OF ABBREVIATIONS	71

1. INTRODUCTION: A CLIMATE OF FEAR

"Dear Madam,

I am a well educated villager from the village of ..., and I wish to beg your pardon for not revealing my name and address on account of the security reasons. I will not even sign this letter and I am very sorry for that. If my name is revealed my chances for survival would be a dream."

Amnesty International received this letter in late 1989, a year in which the inhabitants of southern Sri Lanka experienced unprecedented levels of political violence. This included thousands of murders perpetrated by government forces and "death squads" on one side, and anti-government armed militants on the other. Thousands of people simply "disappeared" after arrest, their fate and whereabouts unknown; others were killed in reprisal killings, their bodies dumped in public; yet more were known to have been tortured and killed in custody.

Many people in Sri Lanka fear reprisals against themselves and their families if they speak out against the actions of the security forces, or if it becomes known that they have supplied information to international organizations about victims of human rights violations. "The situation of the country is rather pathetic", the author of the letter continued. "People do not wish to talk over this subject. They all are in fear of their lives." Amnesty International has named victims of human rights abuses in this report only if the individuals concerned have already been publicly identified.

Gross and widespread human rights violations in Sri Lanka have persisted for over seven years against a background of armed opposition to the government. "Disappearances" and extrajudicial executions have been reported with increased frequency since mid-1983. For four years these serious human rights violations were concentrated in the northeast of the island, where since the late 1970s opposition groups have engaged in an armed struggle to establish a separate Tamil state. After July 1987, however, armed opposition to the government also escalated in the Sinhala-majority areas of southern Sri Lanka; reports of "disappearances" and extrajudicial executions in the south increased alarmingly during counter-insurgency campaigns there, which were particularly intense in the second half of 1989.

This report concentrates on extrajudicial executions, "disappearances" and torture committed in the south of Sri Lanka since July 1987. Human rights violations in this area were committed by regular Sri Lankan security forces and by plainclothes "death squads" drawn from these forces and sometimes connected to politicians of the ruling United National Party (UNP). From July 1987, security in the northeast of Sri Lanka, a Tamil-

majority area, was the responsibility of Indian forces -- the Indian Peace Keeping Force (IPKF) -- which assumed this role under an agreement signed by the Governments of India and Sri Lanka (the Indo-Sri Lanka accord). The Indian forces had withdrawn from the island by the end of March 1990. While in Sri Lanka, they were responsible for human rights violations, including extrajudicial executions and "disappearances". One chapter of this report focuses on human rights violations in the northeast during the period of the IPKF's presence and following its withdrawal.

In the face of armed opposition by Tamil secessionists, which began in the north in the late 1970s, the Government of Sri Lanka gave extraordinary powers to security forces. Grave human rights violations -- extrajudicial executions, "disappearances" and torture - have resulted, with the Sri Lankan security forces appearing to believe they can commit abuses with impunity.

The Prevention of Terrorism Act (PTA) was introduced in July 1979, initially for a period of three years. It was later amended and incorporated into the normal law of Sri Lanka. In addition, a nationwide state of emergency has been in force continuously since 18 May 1983, apart from nearly six months (January to June 1989) when it was lifted by President Ranasinghe Premadasa following his election as President. During a declared state of emergency, which has to be renewed monthly by parliament, Emergency Regulations come into force. Emergency Regulations are issued by the President under the Public Security Ordinance.

Both the PTA and the Emergency Regulations give the security forces wide powers to arrest suspected opponents of the government and detain them incommunicado and without charge or trial for long periods -- conditions which provide a ready context for deaths in custody, "disappearance" and torture [1]. During some periods, Emergency Regulations have also been issued to permit the security forces to dispose of bodies without post-mortem or inquest, thereby enabling them even more readily to cover up their commission of deliberate and unlawful killings.

Despite the introduction of these far-reaching security provisions, the authorities were unable to suppress the activities of armed Tamil separatists based in northern Sri Lanka. Nevertheless, the powers were retained -- despite clear evidence that they had contributed to extensive human rights violations in the north -- and were used in the south when Sinhalese critics and opponents of the government launched a violent campaign of armed opposition in the second half of 1987. They were used by the authorities there in such a way that thousands of people were apparently extrajudicially executed or were reported tortured or to have "disappeared" in detention. Such victims included not only suspected "subversives", but also known members and supporters of lawful opposition parties, some of whom are said to have been arrested on the instructions of individual members of parliament belonging to the ruling UNP. One dissident member of the UNP is also known to have "disappeared" and others have expressed fears for their safety. Indeed, in the south the background of often very brutal violence by armed opposition groups appears to have

been used at times as a screen by the government to suppress legitimate opposition: extrajudicial executions and "disappearances" continued to be reported in the first months of 1990, after the government claimed it had crushed the "subversives".

The government's willingness to condone the actions of the security forces and government officials, even when they have committed gross abuses, was underlined in December 1988 when the Indemnity (Amendment) Act was passed days before a presidential election was to take place. This act gives immunity from prosecution to all members of the security forces, members of the government and government servants involved in enforcing law and order between 1 August 1977 and 16 December 1988 provided that their actions were carried out "in good faith" and in the public interest. The act also indemnifies any other person who can use the defence that he or she acted "in good faith" under the authority of a government official during this period.

Even before this indemnity legislation was introduced, the government's persistent failure for many years to act against security forces abuses had raised major questions about its commitment to or concern for human rights, even though there is a chapter in the Constitution of Sri Lanka protecting fundamental human rights. To Amnesty International's knowledge, over 680 people "disappeared" in custody in the northeast between 1979 and mid-1987, while the Sri Lankan security forces were in the area, the great majority of whom remain unaccounted for. Indeed, in not one case, so far as Amnesty International is aware, has a member of the Sri Lankan security forces been prosecuted for abusing human rights in the northeast despite the widespread violations which occurred there during these years [2].

In the south after mid-1987 the security forces again appear to have believed that they could act with impunity, with the result that many thousands of defenceless people were deliberately killed or "disappeared" at the hands of agents of the state. Only in a few cases in which torture or extrajudicial execution by the security forces received widespread publicity and provoked a public outcry did investigations result in the prosecution of those members of the security forces allegedly responsible, and in none of these cases has the trial been completed (see below, 6.1.3). One of these trials may yet be discontinued because lawyers and witnesses involved in the case have been murdered or threatened with death if they give evidence or act against the security forces (see below, 2.2.5).

From March 1990, Amnesty International received fewer reports of human rights violations in southern Sri Lanka. Certain Emergency Regulations which had facilitated human rights violations were relaxed in early 1990: in mid-February, for example, Emergency Regulation 55FF, which had permitted members of the security forces to dispose of bodies without post-mortem or inquest, was withdrawn. However, others remain in force, such as Emergency Regulations 55B-F relating to post-mortem examinations and inquests into deaths occurring in custody, and these still provide a context in which extrajudicial executions committed by the security forces

can be covered up, by enabling them to dispose of bodies secretly and without full, public inquiries into the cause and circumstances of death [3].

Two other important developments were the government's invitation to the International Committee of the Red Cross to visit Sri Lanka, which was taken up in October 1989, and its invitation to the United Nations (UN) Working Group on Enforced and Involuntary Disappearances to visit the island. In Amnesty International's view, these developments mark a significant step forward. However, it is essential that further measures are taken to halt human rights violations and to ensure that there is no repetition or continuation of the gross violations of human rights the country has experienced in recent years. In particular, Amnesty International considers it essential that alleged human rights violations be rigorously investigated and appropriate action taken: the truth must emerge and be acknowledged in order that preventive measures can be introduced; the families of victims have a right to know what has happened; victims and their families should receive help and compensation; the government must accept responsibility for proven human rights violations and act to prevent their recurrence, particularly by fully adhering to international human rights standards; and those responsible should be brought to justice. Specific recommended safeguards against continuing human rights violations are given in Chapter 8.

1.1 Background

When Sri Lanka (then Ceylon) gained independence from Great Britain in 1948 it inherited under the Soulbury Constitution of 1946 a democratic system functioning within a unitary state framework. Demands by minority Tamil politicians in the last years of British rule for a system of government which would grant greater autonomy to minority areas were rejected and since then have remained a source of political tension in Sri Lanka. The unitary state was retained in the Republican Constitution of 1972 and in the most recent Constitution of 1978, which introduced an executive presidency for the first time.

The population of Sri Lanka is about 16.5 million people. Of these, about 74 per cent are classified as Sinhalese, 18 per cent as Tamil and 7 per cent as Moor. The Tamil population is divided between Sri Lanka Tamils, whose descendants are recognized as having a long history in the island, and Estate (or Indian) Tamils, who are descendants of labourers brought from southern India to Sri Lanka in the British colonial period to work on tea estates. In terms of religious affiliation, approximately 70 per cent of the population are Buddhist, 15 per cent Hindu, eight per cent Muslim and seven per cent Christian (mainly Roman Catholic). Most Sinhalese are Buddhist; most Tamils are Hindu; some Sinhalese and Tamils are Christian; and Moors are Muslim.

The Sinhalese population forms the majority in all but the Northeastern Province and is most heavily concentrated in the fertile southwestern quarter of the island. The former Northern Province (which

was merged with Eastern Province in September 1988) is primarily inhabited by Sri Lanka Tamils, while the former Eastern Province has almost equal numbers of Tamils, Sinhalese and Muslims. The Estate Tamil population is most concentrated in the mountainous areas of the south -- the "hill country"-- where tea is grown. The Muslim population is dispersed across the island.

Sri Lanka has a long democratic tradition; indeed, in 1931 it became the first of Great Britain's Asian colonies to secure universal franchise. Since independence, two political parties -- the UNP and the Sri Lanka Freedom Party (SLFP) -- have dominated Sri Lankan politics and have formed governments alternately, sometimes in coalition with other parties. Until February 1989, when the UNP was returned to power in the first general election for 11 years, each general election had brought a change of government [4].

Political violence in both the northeast and the south has increased markedly in the past decade, although it had been known beforehand. The conflict in the northeast has continued for over 10 years; the first armed insurrection in the Sinhalese-dominated south occurred in 1971. In addition, communal violence, largely involving attacks on Tamils living in southern areas, first broke out in the mid-1950s and occurred with increasing frequency between 1977 and 1983 as the Tamil separatist demand gained force in the north.

A resolution calling for a separate Tamil state, to be called "Tamil Eelam", was passed in 1976 at the first national conference of the Tamil United Liberation Front (TULF). The TULF hoped to achieve its objective by working within the established democratic framework, and has not advocated the use of violence. By 1978, however, several violent attacks against the police force in Jaffna had occurred which were attributed to the recently formed Liberation Tigers of Tamil Eelam (LTTE). In the following years, other Tamil separatist groups were formed in northern Sri Lanka to engage in armed opposition to the government, and the scale of such opposition mounted despite government attempts to suppress the Tamil separatist movement by force.

In their call for "Eelam", Tamil separatists claim both the Northern and Eastern Provinces as the traditional "homeland" of the Tamil people in Sri Lanka. Most also generally claim to represent all Tamil-speaking peoples, including Estate Tamils (who have not in fact been very involved in the separatist movement) and Muslims who, although mostly Tamil-speaking, have maintained a separate political identity.

The Tamil separatist demand has in part been fuelled by disputes over the allocation of resources within the state, as well as access for Tamils to education and jobs in the state sector. Although the rights of minorities have been protected under the successive constitutions of Sri Lanka, the state has increasingly been perceived by the Tamil minority as being identified with majority Sinhalese interests and with Buddhism. However, many Sinhalese perceive themselves as a vulnerable minority in the

wider region, especially in relation to the 50 million Tamil speakers in the south Indian state of Tamil Nadu.

The government has also faced armed opposition from sections of the Sinhalese population in southern Sri Lanka. In 1971 thousands of people were killed in the south when a coalition government headed by Prime Minister Sirimavo Bandaranaike crushed an armed insurrection led by the Janatha Vimukthi Peramuna (JVP), People's Liberation Front, a revolutionary Marxist party, which derived much of its support from young people [5]. In the second half of 1987 the JVP again launched a campaign of violence in the south, to which the government responded ruthlessly, committing widespread violations of human rights.

1.2 The Indo-Sri Lanka accord

In July 1987 the Governments of Sri Lanka and India, then headed respectively by President Junius Richard Jayewardene and Prime Minister Rajiv Gandhi, signed an accord. None of the Tamil militant groups which had been fighting the Sri Lankan Government were signatories to the agreement. Among other provisions, the accord brought Indian troops to the northeast to take charge of security. It was intended that the IPKF would disarm the Tamil militant groups active in the northeast in preparation for elections to a provincial council for the newly-united Northeastern Province. The new island-wide system of provincial councils envisaged in the accord was to provide greater regional devolution of powers and was incorporated into the Constitution under the Thirteenth Amendment to the Constitution. Elections to provincial councils in each of Sri Lanka's eight provinces were held at various times during 1988.

The accord also provided a "general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other emergency laws and to combatants, as well as to those persons accused, charged and/or convicted under these laws". Approximately 3,750 Tamil prisoners out of some 5,400 held at the time of the accord were released during 1987; by the end of 1988 about 250 remained in jail. By the end of 1989 all pre-accord prisoners from the northeast had been released, but those whose offences had been committed in other areas of the island remained imprisoned.

All Indian troops were withdrawn from Sri Lanka by the end of March 1990, by agreement of the respective governments. President Ranasinghe Premadasa, the former prime minister who was elected President of Sri Lanka in December 1988, had opposed the accord and pledged in his election campaign that he would ensure withdrawal of the Indian forces. Agreement on the date of withdrawal was finally reached with the new Indian Government of Prime Minister Vishwanath Pratap Singh in late 1989.

Throughout their stay in Sri Lanka, the Indian forces were unable to disarm the LTTE. Several Tamil militant groups, however, allied with the Indian forces and contested the Northeastern Provincial Council election in December 1988. These included the Eelam People's Revolutionary Liberation

Front (EPRLF), which then secured control of the provincial council. The LTTE, however, opposed the Indo-Sri Lanka accord, boycotted the provincial council election and continued a strategy of armed opposition in pursuit of a separate state -- but now against the Indian forces and the Tamil groups allied with the IPKF rather than directly against the Government of Sri Lanka.

Indeed, in April 1989 the LTTE entered into negotiations with the Sri Lankan Government and two months later announced a cessation of hostilities with the government, although not with the Indian forces. In September 1989 the Indian Government agreed that it would withdraw its troops by the end of the year, provided that the safety of the Tamil community in the northeast could be assured. By the end of the year Indian troops had withdrawn from all districts except Jaffna and Trincomalee. A new date was set for the final withdrawal to be completed by the end of March 1990.

As the Indian troops withdrew, heavy fighting was reported between the LTTE and a newly formed force, the Tamil National Army (TNA), which had been established using forced conscription by the EPRLF, aided by the Indian forces. There was also fighting between the LTTE and the armed cadres of Tamil groups which had allied with the Indian forces. Hundreds of lives were lost, thousands of members and supporters of the EPRLF and its allies fled to India, and the LTTE took effective control of the northeast while continuing its negotiations with the Government of Sri Lanka. In June, however, heavy fighting broke out between government forces and the LTTE after the latter captured several police stations in the east, taking several hundreds of police officers prisoner, many of whom they are believed to have killed.

1.3 The rise of armed opposition in southern Sri Lanka

Violent opposition by the JVP increased markedly after the signing of the Indo-Sri Lanka accord. Yet well before the accord, the JVP was reportedly mobilizing to overthrow the government by violent means. In late 1986 a Counter-Subversion Division was created within the police force, primarily to deal with the perceived threat from the JVP. In April 1987 a raid on Pallekelle army camp for weapons was reported as signalling "a major arms build-up by the JVP" (Daily News, Colombo, 22 April 1987). In June 1987 attacks on the air force base at Katunayaka and the Kotelawala Defence Academy near Ratmalana military airport -- the first attacks on military installations in or near Colombo -- were also attributed to the JVP. By this time 450 JVP suspects were reportedly in custody, about 250 of whom had been arrested under Emergency Regulations following the creation of the Counter-Subversion Division.

Following the 1971 insurrection, the leaders of the JVP and thousands of its supporters were jailed. Those who remained imprisoned in 1977 were released when the UNP came to power under Prime Minister (from 1978, President) Junius Richard Jayewardene. The JVP then began to participate in open politics, campaigning particularly on the basis of Sinhalese nationalism and against autonomy for the Tamil areas of the northeast. The

party developed its following especially among young people in the south, including students and Buddhist monks. It also cultivated sympathizers in the security forces, including those who had been involved in attempting to suppress armed Tamil separatists until the Indian troops arrived.

After widespread communal violence in July 1983, three leftist parties were proscribed by the government, including the JVP. JVP leader Rohana Wijeweera, who had been among those released by the new government, had unsuccessfully contested the 1982 presidential election, winning four per cent of the vote. The ban on the other proscribed parties -- the Communist Party and the Nava Sama Samaja Pakshaya (NSSP), New Socialist Party -- was quickly lifted, but it continued to apply to the JVP until May 1988. The JVP had gone underground at the time of its proscription and continued to operate as a clandestine party after May 1988.

In the south, there were widespread demonstrations in July 1987 expressing opposition to the Indo-Sri Lanka accord. There were also serious differences within the ruling party regarding the accord. The JVP intensified its campaign to overthrow the government by appealing to those sections of the Sinhalese population that feared the accord gave India too great a role in the affairs of Sri Lanka and conceded too much power to the Tamil minority at the expense of Sinhalese national interests.

The elections to the provincial councils, provided under the Indo-Sri Lanka accord, were boycotted in the south by the JVP and the SLFP. The JVP attempted to disrupt polling by threatening to kill candidates and party supporters, and the elections were held amid intimidation and violence. In the run up to the June 1988 provincial council elections in Central, Western and Southern Provinces, 12 candidates and numerous party supporters were killed, allegedly by the JVP. In Southern Province, where at that time the JVP exerted a considerable hold, the JVP called an unofficial curfew on election day and only 27 per cent of the electorate voted, a remarkably low turnout by Sri Lankan standards.

The presidential election of 19 December 1988 was marked by a further rise in political violence. The JVP boycotted this election, too, and in the weeks before the election called widespread anti-government demonstrations and strikes in the south. It was blamed by the security forces for attacks on several election rallies and an increasing number of killings. The JVP threatened to kill those who voted in the election; in response the security forces were instructed to use "maximum force" to ensure that people could vote.

Ranasinghe Premadasa, the former prime minister and the UNP candidate, won the election, defeating two other candidates. Parliament was dissolved and the next day an interim cabinet was formed pending parliamentary elections on 15 February 1989. These elections, also boycotted by the JVP, were won by the UNP and were marked by a further surge in violence: 14 opposition candidates were killed during the campaign and several hundred other people, including members and supporters of the ruling UNP, were killed. The government permitted six armed bodyguards for each candidate,

and issued shotguns and revolvers to candidates for use in self-defence. During and after the election the JVP was accused of responsibility for most political killings in the south. However, violence was so widespread that it was often difficult to determine who was responsible for each killing, and reports suggested that some deaths resulted from conflicts between or within other political parties.

In January 1989 President Premadasa lifted the state of emergency. At that time 2,569 people were in detention under Emergency Regulations, 1,519 of whom were then released without charge. However, the JVP continued its armed opposition to the government: it called strikes, often threatening to kill those who did not participate, and continued to mount a campaign of assassinations. In June 1989 a transport strike called by the JVP caused widespread disruption to the economy. Emergency Regulations were reimposed on 20 June 1989. However, strikes called or supported by the JVP continued, including a strike of hospital employees in August 1989 during which several patients died. The JVP became known as the podu aanduwa, the "little government", for its ability to impose unofficial "curfews".

In September 1989 President Premadasa convened an all-party conference to discuss proposals to resolve the crisis in the south. The JVP refused to attend, however, and the main opposition party the SLFP pulled out at the end of October. The opposition United Socialist Alliance (USA) also boycotted the proceedings.

Unlike the JVP, the leftist parties which in February 1988 formed the USA strongly supported the Indo-Sri Lanka accord. As a result, members of those parties, as well as of the ruling UNP, became targets for assassination by the JVP from July 1987. Hundreds of their party workers and supporters were killed. Some killings attributed to the JVP, however, may have been committed by supporters of other political groups. In one case, for example, the relative of a USA candidate whose murder was attributed in press reports to the JVP, told Amnesty International that he believed the real culprits to be supporters of members of parliament representing the ruling party. The relative added that the police had said that "to conduct such an investigation would be very dangerous for them".

Several senior members of the UNP have also been killed by the JVP. A grenade attack on a meeting of the UNP parliamentary group at the parliament building in August 1987 killed the District Minister for Matara, Keerthi Abeywickrema, and a clerk. It also injured the Minister of National Security, Lalith Athulathmudali. In December 1987 the JVP was accused of responsibility for the murder of the UNP Chairman, Harsha Abeywardene. In September 1988, the Minister for Rehabilitation and Reconstruction, Lionel Jayatilake, was shot dead as he drove to a meeting in his constituency, allegedly by the JVP.

One of the best known among USA victims of the JVP was Vijaya Kumaratunge. He was shot in February 1988 outside his house in Colombo by unknown gunmen, presumed to have been from the JVP. Vijaya Kumaratunge was a popular film actor and founder member in 1984 of the Sri Lanka

Mahajana Pakshaya (SLMP), Sri Lanka People's Party. He was killed a few days before his expected nomination as leader of the newly formed USA. Other victims of JVP attacks have included former members of the JVP.

Numerous members of the security forces and their families have also been killed by the JVP since mid-1987, as have people regarded as informers, members of the Buddhist clergy who publicly supported the UNP or USA, candidates or voters in elections boycotted by the JVP, and those who broke strikes called by the JVP. Prominent broadcasters in the state-owned Sri Lanka Broadcasting Corporation, senior figures in state-owned corporations, newsagents selling newspapers "blacklisted" by the JVP and sellers of Indian goods have also been murdered, apparently by the JVP. The organization has also been held responsible for several bomb attacks. One of these, which occurred during a religious festival at Kataragama attended by a state minister in July 1989, reportedly caused the deaths of 13 people.

The bodies of many victims of the JVP have been openly displayed as warnings to others, sometimes tied against lamp-posts or fences with posters beside them in the name of the JVP or the Deshapremi Janatha Viyaparaya (DJV), Patriotic People's Movement [6]. Some of these killings were apparently "exemplary punishments" of criminals or of people believed to have been corrupt, apparently intended to deter others.

The bodies of some victims of the JVP were reportedly mutilated, sometimes with severed limbs or slashed sexual organs. An account of one such killing -- of an alleged critic of the JVP -- was sent by a survivor to Amnesty International. On 8 October 1988 in Moneragala District 40 men, thought by the survivor to be members of the JVP, went to the house of X. They surrounded the house and waited until nightfall. When they approached the door and asked for X, his wife pleaded with them not to kill her husband. The men herded about 50 people into the house and questioned them at length. X was charged with criticizing the JVP and mailing a cassette critical of its leader, Rohana Wijeweera. X and three others were then taken to another house and locked in; screaming and crying were heard until 1.00am at night. The house was then set on fire and the gang left. The wife came in the morning and saw bloodstains on the road. X's head was hanging on a tree. Posters explained that he was a robber and a thief. The poster was signed by the armed wing of the Moneragala DJV.

1.4 The government's response

In August 1989 the JVP announced that it would kill the relatives of security forces personnel who did not resign their posts. In response, posters appeared in prominent public places, threatening that the army would kill numerous relatives of JVP supporters for each of their own killed. A widespread cycle of murder and reprisal killings followed. The number of "disappearances" and extrajudicial executions reported after August rose dramatically. The JVP then increasingly began to mount attacks on state property, including numerous local government offices and tea estate buildings.

August 1989 saw a renewed upsurge in anti-insurgency operations. "Operation Combine" was reorganized within the armed forces under the command of the Army Chief of Staff to co-ordinate military and police operations against the JVP. In November the government reported that Rohana Wijeweera and several other JVP leaders had been captured and killed. There were conflicting reports about these deaths: the precise circumstances could not be independently established as the security forces cremated the bodies of those killed without delay, before post-mortem examinations could be carried out or inquests held. International media reports initially said that Rohana Wijeweera had been killed on 12 November in a "shoot-out" with security forces at a tea estate at Ulapana. Subsequently, however, the then Minister of Foreign Affairs and Minister of State for Defence, Ranjan Wijeratne, reportedly stated that Rohana Wijeweera had been shot on 13 November in Colombo, where he had been taken following his arrest at Ulapana. The minister added that Rohana Wijeweera had agreed after his arrest to appeal in a video film to JVP members to cease violence, and had led security forces to the JVP's headquarters in Colombo. There, the Minister said, Rohana Wijeweera had instructed H.B. Herath, a JVP politburo member, to hand over certain documents to the security forces with the result that H.B. Herath had attempted to shoot him. Both JVP leaders, according to the Minister, were then shot dead by members of the security forces. Their bodies were cremated "under conditions of maximum security". Reports from other sources, however, suggest that Rohana Wijeweera may have been a victim of deliberate extrajudicial execution in custody. An inquiry into the circumstances of his death called by the President has so far yielded no published results. The circumstances of death of other JVP leaders were also disputed. For example the government said that Upatissa Gamanayake had been killed on 14 November while trying to escape from custody: his body was also hastily cremated by the security forces.

By mid-January 1990 the government said that it had captured the entire 13-member JVP politburo. Operation Combine was wound up in early March 1990, but the creation of a new military intelligence unit called Brigade Headquarters, or One-Two Brigade, was announced at the same time to continue "mopping-up operations".

1.5 Human rights in a context of armed opposition

Armed opposition can present governments and security forces with particular difficulties. Governments bear the responsibility of protecting their citizens from violent crime and for bringing those responsible to justice. In doing so, however, they must ensure that fundamental human rights are respected. Under international human rights law, certain fundamental rights -- particularly the right to life and the right not to be subjected to torture -- must be upheld by governments at all times and in all circumstances. However widespread and violent the actions of armed opposition groups, these can never provide a justification for governments to retreat from or ignore their obligations to respect such fundamental human rights.

Amnesty International as a matter of principle condemns the killings and torture of prisoners by opposition groups, and has consistently condemned such acts by the JVP, the LTTE and other armed opposition groups in Sri Lanka. Yet it is in precisely such contexts of armed opposition that the organization believes fundamental human rights need to be protected with extra vigilance. The Human Rights Committee, in general comment 5(13), has made this point: "... in times of emergency, the protection of human rights becomes all the more important, particularly those rights from which no derogations can be made" [7].

The Government of Sri Lanka acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1980, and is responsible to the international community for upholding the provisions of the covenant. Article 6 of the ICCPR asserts the right to life, a right which the Human Rights Committee has said, in general comment 6(16), "should not be interpreted narrowly". Under Article 6, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." The Human Rights Committee has described the protection against arbitrary deprivation of life in Article 6 as being "of paramount importance". The Committee stresses the need for governments to "take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces."

The principles of necessity and proportionality lie at the core of international standards regulating the use of force by law enforcement personnel. For example, under Article 3 of the UN Code of Conduct for Law Enforcement Officials, "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." The use of force beyond that necessary in the circumstances to prevent crime or to carry out the lawful arrest of suspected offenders is not permitted. The deliberate killing of unarmed demonstrators or of unarmed suspects as an alternative to arrest, detention and trial, for example, violates the prohibition on the arbitrary deprivation of life.

The use of excessive force by governments has often resulted in the escalation of internal conflict rather than its limitation. This pattern has been evident in Sri Lanka over the years, as described above. It is a danger which the UN Special Rapporteur on States of Emergency noted in his Second Annual Report of December 1988: "It is not desirable that measures taken under a state of emergency should be excessive, since they are liable to provoke a reaction that might create a more serious crisis than the crisis with which the measures are supposed to be dealing."

2. EXTRAJUDICIAL EXECUTIONS

"As a former [service]man I know all too well the injustices carried out by the JVP. If ever they come to power that will be the end of the country. They have no value for human life. Nevertheless, I believe the government ... also carries some responsibility for bringing the country to the dangerous situation it is in now. Rather than finding measures to reduce the violence, the government has sought to wipe out the JVP with widespread repression that I cannot in my conscience condone. Under emergency regulations, the government has permitted and even encouraged the army to arrest anyone, especially the young, and most of the time kill them without trials or inquiries into the information that led to their arrest. There seems to be no end for this cycle of violence."

(Extract from the sworn statement of a recent member of the Sri Lanka security forces, dated January 1990.)

Many thousands of people were killed in southern Sri Lanka during 1988 and 1989 -- perhaps 30,000, according to some observers. A significant proportion of these deaths occurred in the second half of 1989, when government security forces and so-called "vigilante groups" were responsible for a mounting toll of extrajudicial executions and "disappearances". This period also saw renewed attacks and killings by the JVP, to which the government attributed a total of 6,517 killings between 1987 and mid-March 1990 [8].

Following the reimposition of the state of emergency in June 1989, government security forces did little to conceal their resort to widespread murder. Piles of bodies were dumped openly by roadsides, in fields and in cemeteries; others were thrown into rivers. In February 1990 it was reported that several headless bodies had been washed up in the Republic of the Maldives, about 400 miles west of Sri Lanka, since late November 1989. Many bodies dumped in Sri Lanka were mutilated or burned beyond recognition, often on pyres of rubber tyres. In November and December, the mutilated bodies of JVP suspects, many of them apparently captives at the time of their killing, were reported to have been left hanging at central points in Kandy town, while in surrounding villages severed limbs were hung from trees as part of a macabre and terrifying warning to communities considered sympathetic to the JVP.

In November the government announced that its forces had captured and killed the central leadership of the JVP. However, the killings continued: on 20 and 21 December 1989, for example, between 140 and 200 bodies of men aged between 18 and 35 were reportedly found on roadsides and beaches in Hambantota District. Some had been decapitated; some were left hanging from trees and lamp-posts; some had been burned on tyres. Most of the bodies were naked. The killings were generally attributed to "pro-

government vigilantes" in the press, but it was widely believed that the security forces were responsible. Some of the victims were said to be people whose bodies were dumped in Hambantota after being killed elsewhere; others were believed to have been those of local people detained during an army round-up of JVP suspects which had taken place three days earlier.

The orgy of killings which occurred in 1989 contravened both national and international standards of law-enforcement [9]. The government persistently denied that it sanctioned illegal killings by the security forces and claimed that security forces personnel only killed in combat. However, the inquiries that it promised into specific instances of alleged extrajudicial executions by security forces personnel during 1989 generally failed to produce any results which were made known publicly. Only in a few well-publicized cases of possible extrajudicial executions did public investigations lead to criminal charges being brought against members of the security forces in 1988 and 1989. None of these trials has yet been concluded. In the first few months of 1990, however, further security forces personnel were arrested (see below, 6.1.3).

Amnesty International first received reports of alleged extrajudicial executions of suspected JVP supporters in early 1988. The victims were mostly young men. The killings continued throughout 1988 and were most prevalent in Southern Province, although they occurred in other provinces too. In many cases there was inadequate information available to establish the circumstances of individual deaths, but in others bodies were identified as those of people known to have been in custody. X, for example, was arrested at a Buddhist temple, Giriyaya Raja Maha Viharaya, in Hambantota District by the air force early on 1 December 1987. He was held at an army camp. On 15 December 1987 a relative was told at the camp that he had been transferred to Hambantota. On 18 January 1988 his dead body was found, blindfolded, on the Hungama Road in Hambantota District.

Extrajudicial executions reported to Amnesty International were numerous and occurred in several contexts: defenceless prisoners were deliberately killed; unarmed demonstrators and curfew violators were shot dead; people in the vicinity of atrocities attributed to the JVP were killed in acts of reprisal; individuals were targeted for assassination, including JVP suspects, members of other opposition parties, journalists, lawyers and witnesses to violations committed by the security forces. Some extrajudicial executions were reportedly committed by uniformed members of the security forces. Others, however, were committed by armed men wearing civilian dress who the government claimed were "vigilantes" acting outside their control, but who in some cases were recognized by witnesses as members of the security forces or, sometimes, as bodyguards of UNP politicians.

The regular attribution of probable extrajudicial executions to "pro-government vigilante groups" began in March 1989, to Amnesty International's knowledge, when the "Black Cats" were held responsible for numerous killings in Anuradhapura District (see below, 2.2.6). Following this, apparently new "vigilante groups" proliferated, such as the "People's

Red Revolutionary Army" (PRRA), "Eagles of the Central Hills", "Scorpion" and "Red Dragon" [10]. Posters were left by some bodies in the name of such groups claiming responsibility for the deaths. Threats were also issued in their name on posters or in reproduced letters. The practice of leaving posters by bodies and issuing threats in letters echoed the methods used by the JVP.

Even when posters had not been left at the scene, security forces and government spokespersons regularly made public statements attributing killings to "vigilante groups" immediately after bodies had been found and before any investigations could take place. Yet there is overwhelming evidence to indicate the participation of members of the regular security forces in such killings. This includes eye-witness reports that uniformed members of the security forces committed murders which were subsequently attributed to a "vigilante" group. It appears, therefore, that an official policy existed under which killings were attributed by security forces and government spokespersons alike to "vigilante group" action in an attempt to conceal official responsibility for the commission of grave and systematic human rights violations.

In addition to killings by uniformed members of the security forces, hundreds of people are reported to have been abducted and killed by armed men wearing civilian clothes. First-hand accounts of such abductions received by Amnesty International lend credibility to the suggestion, widely believed in Sri Lanka, that these armed men in many cases were members of the regular security forces, and in some cases were directly linked to members of the ruling UNP.

In the northeast, where Tamil-speakers form the majority of the population, the widespread use of plainclothes security forces for such operations would have been impossible due to the predominantly Sinhala-speaking composition of the security forces. In the south, however, in the face of JVP violence, the security forces appear to have made considerable use of plainclothes operations to conceal their identity when resorting to politically motivated killings and other human rights violations.

The use of plainclothes operations by the security forces was first reported to Amnesty International in 1988, but the attribution of killings to "vigilante groups" by security forces and government spokespeople became common only after the state of emergency was lifted in January 1989.

2.1 Who are the plainclothes armed groups?

Abductions and killings have been widely reported since 1988. In a typical case, plainclothes armed men arrived at the victim's home at night, travelling in Pajero jeeps or Hiace vans (which are widely used as "official" vehicles) or using vehicles which they had apparently borrowed or requisitioned. Sometimes they said they were members of the security forces and included someone wearing police or army uniform among them, but often they refused to identify themselves. Usually they gave no explanation for taking away the victim, providing no details of possible

charges or of where the person would be taken. Death threats were sometimes made, with relatives being told, for example, to begin making funeral preparations. Relatives often inquired at local police stations or army camps the next day, seeking news of the missing person, but without result: the security forces would deny all knowledge of the person who had been abducted, and sometimes refused to register the complaint and verbally abused the relatives. In some cases, the dead bodies of those taken away were found within hours or days of arrest, and identified by relatives. In others, those who had been abducted were never traced. Some people, however, were later found to be in the custody of the security forces or were released after periods of unacknowledged detention, providing direct evidence of the participation of members of the regular security forces in these operations.

Rupasinghe Gamarachchige Rohana, a baker, was 28 years old when he was abducted on 21 March 1988. Each day for three or four days prior to his abduction, a group of armed men in civilian dress reportedly visited his bakery and asked for him. His wife, fearing their intentions, told them each time that Rohana was in Colombo on business. On 21 March 1988 the men again visited the bakery and told Rohana's wife that if they could not see him that day they would take her and their child as hostages and burn down the bakery.

Rohana and his wife went to Peliyagoda police station to report these threats and were advised that Rohana should remain at the police station. His wife then returned home. She was visited once more by the armed men. She told them that her husband was now at the police station. Later, Rohana returned home. That afternoon a police officer came to tell him that the armed gang had been arrested, were being "treated well" and were held at Peliyagoda police station. Rohana and his wife were asked to go to the police station to identify them. They did so, only to see the armed men drive up in the vehicle they had used to visit Rohana's bakery and walk into the police station. Rohana was called inside and asked by the Officer-in-Charge (OIC) to fetch cigarettes from a nearby shop. While Rohana was doing this, the armed men drove out from the police station, drew up beside Rohana and forced him into their vehicle. In answer to Rohana's wife's cry, "Where are you taking my husband?" they said, "We are taking him home." Rohana's wife ran back to the police station to call for help but the OIC took no action and simply said that Rohana had probably been abducted by members of the JVP. He told her to go home. Rohana's wife was unable to locate her husband for several days but then learned that he was held at Cinnamon Gardens police station in Colombo. She was allowed to see him, and visited him regularly until he was moved to another place. There, he was tortured and denied medical attention. He was eventually released in October 1988 [11].

In another case, X, a 40-year-old man, "disappeared" for one week after he was arrested on 23 September 1989 by men in civilian clothes. Six people in a Pajero jeep stopped outside the boutique run by X. Three of them entered the shop and asked whether they could buy some drink. When X said that they could go with a boy to a nearby shop, they insisted that he

went with them. X's relative testified that he saw him and three men getting into the Pajero jeep, which then drove off.

Shortly afterwards the relative went with two other people to the army camp which was about 25 yards from the boutique. He told the army officers about the incident and they said they would make inquiries. Later that day two other relatives went to the police station to inquire about X and to lodge an entry about his abduction. They were told by the police officer that no such person had been brought to the police station. The relatives continued the search, visiting police stations and camps nearby, but were told that X was not in detention. However, one week later X was released from the custody of the security forces.

In another case, in August 1989, five armed men wearing civilian clothes drove up to the home of X. They took X away, blindfolded, in an unmarked vehicle, together with X's landlord and a student who was also at his home. X was held for seven days at an army camp set up in a school in the Colombo area. He was blindfolded for most of this time, and regularly interrogated. He was tied to a chair for four days without being given access to toilet facilities. On his fifth day of detention he was put in a room with his landlord. Both men were handcuffed to a bench, and X saw burn marks and lacerations on the landlord's chest, and noticed that several of his teeth were broken. X asked the landlord what had happened to the student. Both of them had been forced to drink petrol: the landlord had last seen the student vomiting and then being put into a vehicle with a tyre. The landlord was later released; the student has "disappeared".

In some cases of arrest by plainclothes men, witnesses have recognized the men despite their attempts to conceal their identities. The following description is taken from a sworn statement by a witness:

"On the 13/14 of September 1989 soon after midnight when my husband, myself, my mother and our two children ... were sleeping, I heard a noise of the doors of our house being broken open. When I got up I saw two persons coming with torches lit and heard shouts, 'Don't shout; don't put on the lights'. One of them asked for my husband. I pushed my husband further away inside the room. I put on the light that was outside the house and that light was smashed by one of the said persons. My mother, ... who had also got up, came and switched on the light in the kitchen. Then I recognized one of the said persons as Sub-Inspector ... of the ... police. I also recognized the other of the said persons as another police officer of the said police station whose name I do not know. Thereafter a few persons entered my house one by one ... and took my husband out onto the road just outside the house.... We heard my husband shouting under assault. Just before my husband was taken my one-and-a-half-year-old daughter cried and one of the said persons placed his gun at her mouth and shouted 'shut up'. Another one of the said persons treated my mother in the same manner when she cried."



Soldiers take up position outside parliament house after a minister and a clerk were killed and several others injured by a grenade attack on a UNP meeting chaired by the President in August 1987
 Copyright: Associated Press



Sri Lanka Army soldiers confront a group of Buddhist monks protesting against the Indo-Sri Lanka Accord in Colombo, July 1989



A poster threatening death to those who boycott elections, signed by the PRRA

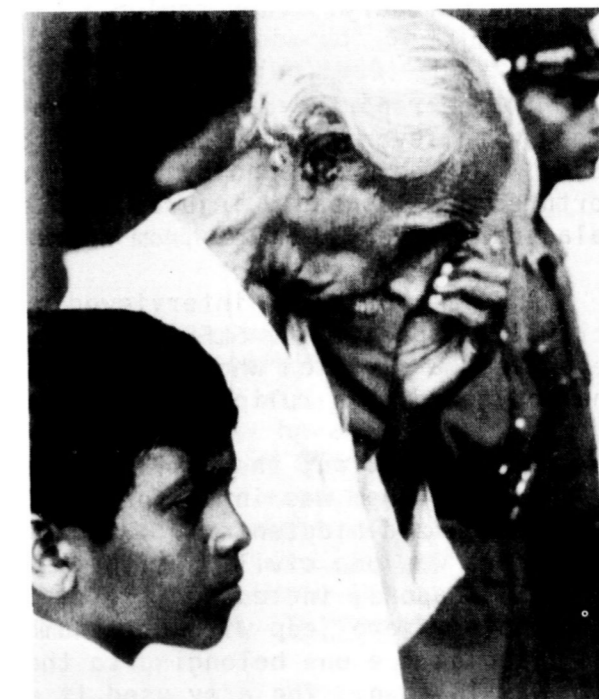


The bodies of two JVP suspects on the roadside in Tangalle, 1989; they were reportedly killed by plainclothes forces



Copyright: Associated Press

The burning body of a Sinhalese youth allegedly killed by "vigilantes"



A young boy and his blind grandfather wait to petition President Premadasa in Matara, November 1989. The boy's father had "disappeared" in early 1989 after being detained by local police.
 Copyright: Popperfoto/Reuter

On inquiring at police stations in the area, this woman was told that the police were not aware of any such arrest. To Amnesty International's knowledge, he has never been traced.

In addition to members of the regular security forces operating in plain clothes, Amnesty International has also received reports of "death squads" allegedly associated with senior members of the ruling party. Members of the security forces are reportedly involved in these squads in some areas, and also reportedly arrest suspects on the basis of lists provided by politicians.

The "death squads" associated with UNP politicians are sometimes referred to as "Green Tigers". A former member of the security forces told Amnesty International that they started to organize these groups after the JVP began killing UNP members. He added:

"The politicians wanted to deal with this JVP. The police or army couldn't do this because we couldn't identify the people, because they just worked as farmers or did some other work."

The former member of the security forces described death squad killings:

"When they kill them, they don't keep the bodies in the same police area. They take it to another police area and leave it. Some Officers-in-Charge (OIC) don't know anything, but they find five or six bodies the following morning.... They [the police] just took the bodies to the mortuary. They couldn't find out anything [about who killed them]."

In one reported case, a man who had been presumed dead, and dumped along with several other bodies, recovered consciousness and crawled to the road, where he was found by a local resident. He had reportedly been tortured and was badly injured. He said he had been arrested by police in Galagedara, over 30 miles from where he was dumped in Kandy district.

A former prisoner interviewed by Amnesty International, whose family actively supported the SLFP, was detained by soldiers in 1988. He recognized a civilian who accompanied the arresting soldiers as a member of the bodyguard of a ruling party minister in the area:

"At a junction, the army stopped me and took me into custody. None of them was in uniform, but they wore army boots. I recognized Lieutenant ... and also knew several other faces.... There was one civilian with them. His name is X. They all had T56 weapons, including [the civilian]. They were travelling in a white Pajero jeep without a number plate.... I recognized this jeep as the one belonging to the minister. He used it when he was in town. The army used it at other times."

This prisoner was held in an army camp and released in January 1989. In October he was abducted by two men from a bus, and taken away in a white van, which he saw before he was blindfolded:

"We travelled for about one and a half hours. The traffic was slow. I was taken inside a building which I later found out was a house. I was beaten all over my body and on my head with the handle of a repeater gun. They also punched and slapped me with their hands I was left on the floor blindfolded, with my hands and feet tied together. I begged them to let me go to the toilet, thinking this might be a chance to escape. They did not allow me to go until about 9.30 or 10pm. Then they finally untied the rope and took my blindfold off. I saw two people: one was sitting behind a table with his gun on the table; the other was near me pointing his repeater at me. I recognized them not only from the bus, but from before. One was X who had also been there when I was arrested the first time.... The other was ... who worked as a clerk for the minister."

The young man later escaped.

2.2 Who are the victims?

"Disappearances" and extrajudicial executions are closely connected: many prisoners who have "disappeared" are believed to have been secretly extrajudicially executed with their bodies being dumped or burned. Many of the bodies found in public places could not be identified because they had been mutilated or burned, or because they had been transported from other areas for disposal. Amnesty International received information on over 3,000 people who were initially reported to have "disappeared" or to have been extrajudicially executed in southern Sri Lanka during 1989, but the organization believes the true figure was substantially higher.

Detailed information on the background of victims of extrajudicial execution or "disappearance" is not available in many cases. Nevertheless, certain general points can be made which are illustrated in case material presented in this report.

The great majority of those reported to have been extrajudicially executed or to have "disappeared" are young men. University and secondary school students -- especially those who were connected with student organizations suspected of having links with the JVP -- have been at particular risk of arrest and "disappearance". Numerous Buddhist monks are also among those reported to have been extrajudicially executed or to have "disappeared", as are relatives of individuals being sought by the security forces who were arrested as substitutes. Many of the "disappeared" are from poor, rural communities which, for reasons of economic and social status, are believed by the authorities to be collectively sympathetic to the JVP.

Many of those reported to have been extrajudicially executed or to have

"disappeared" may have been arrested on suspicion of having connections or sympathies with the JVP. However, it is clear that there have been widespread arbitrary arrests in the south -- often made on the basis of anonymous denunciations or lists supplied by politicians -- and that members or supporters of other parties have been extrajudicially executed or have "disappeared". These include members or supporters of the ruling UNP, the opposition Sri Lanka Freedom Party (SLFP) and the parties which form the United Socialist Alliance (USA), sometimes allegedly arrested on the instruction of senior members of the ruling party in their areas.

Some victims of extrajudicial execution or "disappearance" -- including trade union activists -- appear to have been targeted as a result of private disputes in which the security forces have acted arbitrarily for one side under the cover of anti-subversive operations.

2.2.1 The killing of prisoners

The killing of prisoners has been widespread. Amnesty International has received hundreds of reports of prisoners who have been killed in custody, or who were killed within hours of their arrest or abduction, probably without having been taken to a formal place of detention. Evidence of these abuses comes from interviews Amnesty International has conducted with former prisoners now outside Sri Lanka who witnessed the murder of other detainees, from first-hand reports by people who identified bodies left in public places as those of relatives whose arrest or abduction they had witnessed, and from reports of the few public inquiries that have been held into such killings. The organization also knows of a few people who narrowly escaped death themselves and then told their stories.

Some deaths in custody apparently occurred as a direct result of injuries sustained when the prisoner was tortured. The much-publicized death in police custody on 2 September 1988 of the lawyer Wijedasa Liyanarachchi is one example. He was arrested by the police on 25 August 1988. The post-mortem report detailed over 100 injuries to his body "consistent with those seen in cases of police assaults". The trial of three police officers in connection with his death is not yet completed [12].

In many other reported cases, however, prisoners have been deliberately shot dead. A former prisoner told Amnesty International what happened while he was held in detention:

"I think I was unconscious for more than 24 hours. When I regained consciousness, I was lying outside the office room with my hands and feet handcuffed. My legs were swollen. Somebody threw a bucket of water over me. Then I heard the sound of a truck or jeep arriving at the camp. I could hear the sound of people crying out. Again I was taken into the office. One of the prisoners of the group that had just been brought in, who was about my age, was brought into the office. Inspector ... shot him with a T56 in front of me. This prisoner was a young man

from ... His parents own a grinding mill and a tractor. He was arrested while he was driving the tractor. He said this just before he died. One of the army officers who brought him in said, 'He is a JVP supporter.' I was asked to carry the body outside with another prisoner. This happened [just] before the presidential elections on 14 December 1988."

This former prisoner described how later that day he heard the sounds of many more prisoners being shot, although he did not witness these killings:

"I heard them cry out, 'Please let me go! Don't kill me!' Then I heard shots ... I later found out that on election day, bodies were dumped all around the area. The body of the prisoner who was shot in front of me was seen ... near Matara with other bodies. They had been burned, but in his case only the lower part of his body was burned so he could be identified. Friends in ... police station told me about this after my release."

The interviewee said that a few days later he was asked to help dispose of the body of another detainee who had been shot dead:

"Around noon, they grabbed X and took him outside. We heard a shot. Then an army guard told me that X had tried to escape. I did not believe him. I saw his body. It had three or four wounds in the back. I and another prisoner were asked to carry his body to the back of the building. He was naked. A civilian working at the camp rolled a tyre behind us. We put the body in the centre and [the civilian] put a tyre on top and poured on a gallon of petrol. I was forced to light the pyre."

Many people have seen bodies of people who were clearly prisoners before they were killed. One witness described the following:

"At the village reservoir I twice saw people's bodies. They had been killed with their hands tied, blindfolded and shot through the head. One day there were four bodies. The next day there were three... The bodies had not been burned, but nobody recognized them. People believe they were from another area."

Some prisoners were reportedly set on fire while still alive. In one reported case a person who had been arrested by police in Gampaha District in March 1989 was severely beaten by the police and set on fire while fully conscious. He escaped but because villagers were afraid to take him to a hospital, he died by the roadside of burns a few hours later. However, he told his story to the villagers before he died.

Other prisoners have been killed soon after their abduction. On 27 February 1990, for example, 13 people were abducted from their homes in Nittambuwa, Gampaha District, by masked gunmen who said they were members of the security forces. They were driven to a jungle clearing at Wavulkele

where they were shot. One youth survived, despite sustaining gunshot wounds, and told an opposition party member of parliament what had happened. The next morning, the youth took others to the scene, where 12 naked and charred bodies were found. One of the victims was a young woman who, according to the survivor, several of the male prisoners had been forced to sexually abuse. The survivor reportedly told police that the victims were stripped naked and shot in single file by two gunmen and that he had escaped by striking at the two gunmen when he was called forward to be killed. The Criminal Investigation Department (CID) was assigned to investigate the killings, and 14 police officers were subsequently arrested. At the end of May 1990 the CID was reported to have submitted its report to the Attorney General, but it was not known if charges were to be brought against the suspects. In April the government had announced that it would compensate the relatives of the victims, 10 of whom had been identified.

The killing of Richard de Zoysa in February 1990 by unidentified gunmen, believed by witnesses to include police personnel, attracted particular public attention. By June, however, inquiries had not led to any arrests. Richard de Zoysa was a well-known journalist, broadcaster and actor in Sri Lanka, and a correspondent for Inter Press Service, an international news agency based in Rome. On 18 February at about 3.30am six armed men arrived at his Colombo home in a Pajero jeep, believed to have been a police vehicle. They threatened to kill his mother when she asked to see their identity cards, stormed into the house and took Richard de Zoysa from his bed. One or two of the abductors wore police uniform, but the others were dressed in black. Witnesses noted the number plate on the jeep, which was later found to have been false.

Immediately after the abduction, Richard de Zoysa's relatives made a complaint at Welikade police station and appealed to government authorities, but were unable to trace his whereabouts. The Ministry of Defence denied that the security forces were involved in his abduction, but before the body was found relatives and friends had been told otherwise. A politician from the ruling UNP told the family that he had inquired with the Secretary to the Ministry of Defence and learned that Richard de Zoysa was in custody, although the same politician later said that he had made a mistake.

Richard de Zoysa's naked body was found on 19 February 1990 off Koralawella beach at Moratuwa. Two fishermen brought it ashore and reported their find to the local police. The body was bloated, with gunshot wounds in the head and neck, but the fishermen recognized Richard de Zoysa from his television appearances.

A post-mortem was performed by the Judicial Medical Officer (JMO), Colombo South District, who on 20 February said that Richard de Zoysa had been shot twice through the neck and head at close range. Death had occurred instantaneously. The bullets had left the body, making it difficult to establish with certainty the type of weapon used, but the JMO thought it had probably been a rifle. The JMO also said that Richard de

Zoysa had not been tortured before his death.

The magisterial inquiry into Richard de Zoysa's death was not concluded by early June 1990. On 16 May 1990 an anonymous death threat was sent to Richard de Zoysa's mother, Dr Manorani Saravanamuttu, apparently to deter her from pressing for a full investigation into the murder of her son. It said: "Mourn the death of your son. As a mother you must do so. Any other steps will result in your death at the most unexpected time." On 1 June 1990, Dr Saravanamuttu informed the magistrate's court that she had identified one of those who abducted her son as a Senior Superintendent of Police, Colombo, who she named, and said she believed that those who accompanied him were also police officers stationed in Colombo. She said that she believed that the police officers investigating the murder of her son were trying "to suppress the truth from court". Her lawyer received a death threat on the day of this hearing; it urged him not to pursue the inquiry "at a time when attempts are being made to get financial aid for the country".

Although the magistrate ordered the police to arrest the Senior Superintendent of Police and produce him before the court on 11 June, they did not do so, and the case was postponed until July. The magistrate told the police to ask the Attorney General whether there was sufficient evidence available for the arrest of the Senior Superintendent of Police.

Richard de Zoysa's murder was linked by some observers to the "disappearance" on 26 January 1990 of Lakshman Perera, a member of the Mount Lavinia Municipal Council representing the ruling UNP (see below, 3.1). Lakshman Perera was the producer of a political satire, "Me Kauda? Mokada Karanne?", "Who is he? What is he doing?", written by Richard de Zoysa. The title phrase had been used in reference to President Premadasa during the presidential election campaign in December 1988. Other sources suggested Richard de Zoysa's killing may have been directly linked to his reporting on human rights violations in Sri Lanka for Inter Press Service.

However, on 1 March 1990, the Minister of State for Defence said that "the killing of Richard de Zoysa appeared to be an act done to embarrass the government in international circles". The minister suggested that the murder had been deliberately planned by opponents of the government to coincide with the meeting of the UN Commission on Human Rights in Geneva, but offered no supporting evidence.

One person who escaped from a "death squad" told Amnesty International:

"Five of them came to my house. Others, I don't know how many, stayed in the vehicle, which I think was a Hiace van without number plates. They had shotguns and wore T-shirts and combat trousers. If I saw them again I would recognize them but I don't know their names ... When I saw them I tried to run away. They shouted, 'Stop! Don't run!' They grabbed me, put a mask over my eyes and took off my shirt. My parents were crying out.

"My ankles and hands were tied and I was put under the seat of the van ... They drove for about half an hour. Then they stopped the van and bought some liquor. They then stopped at a house and asked for somebody. I heard a girl say he was not there ... They were angry."

"Then we drove off. We drove for about 15 to 20 minutes. While we were driving they asked me about X. They also burned me with cigarette butts. When we stopped I was asked to get out. I could feel a cement floor and was asked to step over a wire, which I thought might be a barbed wire fence."

The prisoner believed he was at an army camp. He was taken before an informer, who identified him as a JVP supporter.

"They grabbed me by my arms and legs and dragged me out.... I was again put in a vehicle. After about 45 minutes, they stopped for a drink. We then drove off again and stopped at a deserted place. I was told to get down. I said I couldn't stand as my hands and feet were tied. I was dragged out and my hands were untied. Then they cut my blindfold. Several people were still inside the van drinking. Next to me were two others, also with a bottle. One of them stood in front of me with a knife. There were also weapons on the floor of the van. I was asked to take off my sarong. I could smell petrol. I remembered what two friends, who were SLFP supporters and who had escaped the thugs, had told me. I took off my sarong and slung it in the face of the person in front of me, and tried to run away. I jumped to the roadside, which I later found out was at Kottawa [in Galle District]. They fired twice at me, but I hid behind a tree. After a while I heard them drive away."

2.2.2 Killing of suspects as an alternative to arrest

Reports received by Amnesty International indicate that units within the security forces, working in plain clothes, have operated a policy of deliberately killing JVP suspects instead of arresting them, even when the suspects were unarmed and offered no resistance. Victims of such killings have included people shot while putting up posters.

In one case, a plainclothes police squad apparently mistakenly killed a person who had been putting up legitimate posters for the Nava Sama Samaja Pakshaya (NSSP), New Socialist Party, a legal political party whose members have been among JVP targets. The victim, M.A. Wijesinghe (also known as Ranjith), and a colleague were reportedly followed by a plainclothes police unit on 20 December 1989 while they put up posters in Weyangoda town centre publicizing the NSSP's anniversary meeting and festival the next day. The meeting had been authorized and the posters were legitimate. When they had finished, Wijesinghe and his colleague were followed as they left the town centre and were shot in a quiet street.

Wijesinghe died; his colleague was injured. Soon after, a police superintendent contacted NSSP party officials and admitted that police personnel were responsible. The superintendent reportedly said that the shooting had been a mistake and that the officers involved wore civilian clothes to go after the JVP. They had apparently assumed that the posters were JVP propaganda because they carried anti-government statements, were printed in red (which is the colour used by the NSSP as well as the JVP) and carried the hammer and sickle symbol (which is the NSSP party symbol). The police returned Wijesinghe's body to the NSSP, and took his injured colleague to hospital. The next night five NSSP members who were arranging Wijesinghe's funeral were arrested, blindfolded and taken to what they thought was an army camp. They had been putting up red and white party flags to mark the route of the funeral procession. Again, the party had informed the authorities of their plans. The five men were reportedly threatened. They protested that they belonged to the NSSP, not the JVP, and were handed over to the police. They were released following the intervention of a senior police officer.

2.2.3 Killing of prisoners facing trial

In some cases, prisoners who had been charged and were facing trial were killed.

Lasantha Wijewardene was the principal suspect for the murder of UNP chairman Harsha Abeywardhana in December 1987. He had been a member of the navy and then the army, but had deserted. In February 1989 he alleged before the Colombo High Court that a statement which he had made had been extracted under torture, including death threats and assault. He reportedly alleged that he was taken to Homagama police barracks, undressed, hung from a beam and beaten on his heels for one and a half hours with a two-inch square club. The police were also said to have trampled on his legs with their boots on. His wounds were reportedly left untreated for several months and were festering at the time of his court appearance. The judge instructed that Lasantha Wijewardene be taken to hospital, and called for a report from the Judicial Medical Officer. The judge had to issue a further warrant before his instructions were carried out. After treatment, Lasantha Wijewardene was returned to New Magazine Prison but was then admitted to hospital for heart trouble. In September 1989 gunmen in civilian dress reportedly entered the hospital, told his guards to leave, went to his bedside and asked him to get out of bed and kneel down. He refused and was shot dead as he lay in bed.

2.2.4 Killings of suspects' relatives

On several occasions, relatives of suspects were reportedly arrested as substitutes for the wanted person. In some cases they have "disappeared" (see below, 3.1); in others they have been killed.

In one case reported to Amnesty International, a group of about six men in army uniform went to the home of an army deserter in July 1989. His parents initially refused to open the door as it was night-time, but did so

when the men said they were from the army. They told the soldiers that their son had returned to the army a few days earlier; the soldiers did not believe them, searched the house and left. About five minutes later they returned and questioned two other sons who were present, seeking to take one of them away for questioning. The parents begged them not to do so at night, offering to take him to any police or army camp the next day. The soldiers then threatened to shoot the family. One of the two sons then agreed to go with the the soldiers, who appeared drunk. They told the boy's mother, "Don't plead with us; we have mothers too. We are only doing the duty assigned to us." Two days later, the boy's body was found in a reservoir not far from his home.

2.2.5 Killings of lawyers and witnesses to human rights violations by the security forces

Over 20 lawyers are known to have been threatened with death if they continued to file habeas corpus petitions or fundamental rights petitions [13] or continued to represent suspected members of the JVP. Several lawyers have been killed and others have fled the country or gone into hiding.

Witnesses who have testified against the security forces at inquiries have also been threatened and killed, apparently to intimidate them or prevent them from testifying in court after charges have been brought against security forces personnel. These threats and killings represent a direct threat to the rule of law and deprive victims of human rights violations access to legal remedy, thereby enabling security forces personnel to act with impunity.

Lawyers have been subjected to threats and attacks both by the security forces and the JVP. The first lawyer known to have been attacked on account of his professional work was Ian Wickramanayake, who had been engaged to defend police officers accused of the murder of Wijedasa Liyanarachchi (see above, 2.2.1) in September 1988. He received a warning not to act in this case, and on 1 April 1989 his house was attacked by gunmen believed to be from the JVP. One member of his household was killed, but Ian Wickramanayake escaped and went into hiding.

Other lawyers believed to have been killed or threatened because of their professional activities were those who had actively sought redress through the courts for alleged human rights violations committed by the security forces. Some had filed hundreds of habeas corpus petitions on behalf of people who had "disappeared" or alleged illegal detention, and fundamental rights cases on behalf of alleged victims of torture. In some cases, the courts awarded substantial damages to torture victims and people who had been illegally detained.

For example, Charitha Lankapura, a lawyer who had filed numerous habeas corpus petitions, was killed on 7 July 1989 at his boarding house in Slave Island, Colombo. Two gunmen reportedly arrived in a blue van with several other people. They wore civilian clothing and shot Charitha

Lankapura in the neck from an open window. Soon after, Kanchana Abhayapala and Prins Gunasekara, lawyers who had worked closely with Charitha Lankapura, received death threats over the telephone from an anonymous caller who claimed responsibility for the death of their colleague. He warned them to stop filing habeas corpus petitions or they, too, would be killed.

Kanchana Abhayapala was killed a few weeks later, on 24 August 1989. To Amnesty International's knowledge, he had not filed further habeas corpus petitions after receiving the death threat in early July. An unidentified gunman came to his home in the evening, claiming to be from the university. He shot Kanchana Abhayapala twice in the chest as soon as he opened the door. His father, who was standing directly behind him, was seriously injured by the same bullets. Kanchana Abhayapala died shortly afterwards.

The killing of another lawyer, Sanath Karalliyadda, is believed to have occurred because of an inquest he had been involved in. He was taken from his home at about 9.30pm on 26 October 1989 by two or three armed men, one of whom was reported to be wearing army uniform. His relatives reportedly witnessed his abduction, and one of them immediately rushed to the local police station to report what had occurred. The relatives attempted to contact a senior lawyer in Kandy, but could not do so until 4am next morning, after the curfew. The senior lawyer contacted the Inspector General of Police and other officials. The relatives stayed overnight in a neighbouring house and when they returned home at about 7.30am, they found the bodies of Sanath Karalliyadda and four others near Orutota, about half a mile from their home. He had two gunshot wounds in his head. A post-mortem was held and the body released to the relatives. On the day of his funeral several posters appeared at the bus stand in his home town, Teldeniya, warning people, especially lawyers, that they faced death if they attended. The posters were signed "ratu makara", "Red Dragon", the name of a so-called "vigilante" group in the Kandy area.

Sanath Karalliyadda was one of several lawyers from Teldeniya, which is about 10 miles from Kandy, who had appeared at a magisterial inquiry into the death of Jayantha Bandara, a 16-year-old schoolboy shot by police during a student demonstration at Teldeniya on 7 June 1989. The lawyers' offices overlooked Teldeniya High School, where Jayantha Bandara was shot, and three of the eye-witnesses who gave evidence at the inquiry were clerks who worked for Sanath Karalliyadda and his colleagues. The magisterial inquiry into Jayantha Bandara's death resulted in criminal charges being brought against seven police officers. In addition to Sanath Karalliyadda, other people connected with the case have been killed or threatened with death. Parakrama Ranasinghe, a lawyer who appeared at the inquiry, received death threats. He and at least one other lawyer who had appeared at the inquiry went into hiding after being repeatedly sought out by groups of armed men wearing civilian clothes. The magistrate who conducted the inquiry is also said to have gone into hiding.

Two eye-witnesses to the shooting of Jayantha Bandara -- Sena

Rankothge and Edward Kulatunge -- were reportedly taken from their offices by a group of armed men in plain clothes and driven away in a Pajero jeep without number plates. A senior lawyer used personal connections to make private inquiries on their behalf from an army officer, and learned that they were held at an army camp. Shortly afterwards, they were released. They said they had been blindfolded throughout their time in detention, did not know where they had been held, and had been threatened with death if they gave evidence against the police. About two weeks after their release they were again abducted from their offices by a group of unidentified, armed men, following which their bodies were found about three miles away with gunshot wounds.

At least two others who gave evidence against the police at the same magisterial inquiry are believed to have been killed: Bandula Ekanayake, a pharmacist whose shop was burned down, and who was abducted and subsequently "disappeared"; and a trader named Jayakody who was shot dead by two people who came by motor-bike to an estate where he worked.

After charges had been brought against seven police officers, the students who had given evidence against the police reportedly displayed sworn affidavits on the notice board at Teldeniya People's Bank, opposite the police station, saying that they would not give evidence at the trial. They apparently feared reprisals if they did so.

The criminal case against the seven police officers was taken up for hearing before the Chief Magistrate on 24 January 1990, but none of the witnesses appeared. The Chief Magistrate postponed the case until 31 March 1990 and ordered fresh summonses to be served on the witnesses. According to a press report on the 24 January hearing, one of the defendants, a police inspector, "addressed the court to say that the Attorney-General had failed to produce the witnesses for more than six months, much to the distress of the suspects. He requested the court to acquit them if the Attorney General was unable to proceed with the case" (Sun, Colombo, 25 January 1990). No more news of this case has been received by Amnesty International since then.

2.2.6 Reprisal killings

Many killings by the security forces have followed the commission of violent criminal acts by the JVP against security forces personnel or their relatives. Following such actions, the security forces have taken reprisals by killing prisoners or by dragging local people from their homes and killing them. In numerous instances the security forces have said that bodies left by the roadside were those of victims of reprisal killings committed by "vigilante groups". Such killings were commonplace in the second half of 1989, and were widely believed to have been committed by the security forces. In some cases witnesses identified victims as people last seen in the custody of the security forces. In others, witnesses reported having seen uniformed members of the security forces carrying out such killings themselves [14].

In one case, about 14 bodies were reportedly found on 20 March 1989 in an abandoned cemetery at Meegaswewa, near Eppawala, about 15 miles from Anuradhapura. According to a Reuter report, Premadasa Udugampola, then the Deputy Inspector General (DIG) of Police in North-Central Province, said that a note signed "Black Cats" had been found near the bodies which said that the killings were a punishment for the followers of Rohana Wijeweera, leader of the JVP. Local people reportedly said that the victims had been in police custody at Eppawala for up to two weeks, and believed they were killed in retaliation for a landmine explosion in Eppawala the previous day in which three police officers were killed and three others injured.

Four of the victims were identified as residents of Eppawala. They included Shantha Kumara, a 23-year-old farmer from Andangala, near Eppawala, who was said to have been held in incommunicado detention at Eppawala police station at the time of the explosion. His wife reportedly told the Criminal Investigation Department (CID) that she had witnessed Shantha Kumara and a friend being arrested by the Eppawala police about a week before his body was found. However, the police denied that the two had been in custody, and said that the "Black Cats" had killed the men before the landmine blast. A person who saw the bodies at Eppawala told Amnesty International that they had clearly been captives before they were killed: "They had their hands tied behind their backs and were shot."

The Eppawala killings took place during the six months in 1989 in which there was no state of emergency. They were among the first to be attributed to a "vigilante", and were widely reported in the local press. In April 1989 President Premadasa announced that the allegation that the victims had been in custody at the time of their killing would be investigated: to date, however, Amnesty International is unaware of the findings of any such investigation.

The largest single incident reported to Amnesty International involving what appear to have been reprisal killings by the security forces took place in Kandy District in mid-September 1989. The victims were residents of villages apparently believed by the security forces to be strongholds of support for the JVP. On 14 and 15 September the bodies of at least 80 villagers from Menikhinna, Kundasala, Arangala and Mahawatte were reportedly found burned or partly burned on roadsides, and about 20 bodies were recovered from the Mahaweli river. Shortly before, on 13 September, about 16 relatives of members of the security forces were killed at Kundasala, apparently by the JVP. The subsequent killings of villagers were attributed by the then DIG of Kandy District, Premadasa Udugampola, to the "Eagles of the Central Hills", a "vigilante" force. However, other reports, including eye-witness accounts, received by Amnesty International suggest that the killings were committed jointly by army and police personnel, many of whom were in uniform. It is alleged that the reprisal killings began between 3pm and 4pm, when the security forces opened fire in the villages. Men, women and children were shot, both inside their houses and when they ran outside. Many houses were burned. After the killings, members of the security forces reportedly returned to the village and took bodies away in a truck. Some were said to have been buried in a mass grave

in the cemetery in Kandy town.

The victims of apparent reprisal killings have included Buddhist monks, killed in their temples. One Buddhist monk told Amnesty International of an incident which occurred in September or October 1989, following a landmine explosion attributed to the JVP:

"A group of men armed with T56 guns came to the temple. They were not in uniform but I think they were from the army because they had T56 guns. They killed all the five monks in the temple and threw their bodies into the temple, which they set on fire.... I was going mad those days, seeing so many bodies."

3. "DISAPPEARANCES"

"I am the luckiest mother in Sri Lanka, because at least I got my son's body back. I could give Richard a decent funeral and, as hard as this sounds, at least I know he's really dead. There are thousands of other mothers out there who just don't know, who are still simply sitting there and waiting." (Dr Saravanamuttu, mother of Richard de Zoysa (see above, 2.2.1)

Thousands of people have "disappeared" in custody in Sri Lanka in recent years after being detained by members of the security forces. Many are believed to have been killed within a short period, their bodies being dumped or secretly cremated. Others remain unaccounted for, in some cases years after they "disappeared". A minority of the others have subsequently reappeared when their detention was acknowledged or when they were released from the custody of the security forces.

"Disappearances" have been regularly reported from Sri Lanka since mid-1983. Until July 1987 all but one of over 680 "disappearances" recorded by Amnesty International had occurred in the Northern and Eastern Provinces, the area claimed by Tamil nationalists as their homeland. Since mid-1987, however, an increasing number of "disappearances" have been reported from southern areas of Sri Lanka: in 1989 alone, Amnesty International received information on over 3,000 people who were initially reported to have "disappeared" in the south: the true number is believed to be greater.

The "disappeared" are people who were taken into custody, but whose fate thereafter is unknown. In many cases the authorities have denied arresting people who "disappeared" despite the existence of eye-witnesses. In others they simply refuse to either confirm or deny that they have arrested a "disappeared" person. The fate of the "disappeared" is by definition unknown: at best they may be held in unacknowledged detention and unharmed, but in many cases they are believed to have been tortured and killed.

"Before they came and took my husband away the security forces had not asked for any information about him at all.... His arrest was a great surprise to us. Four people were taken, including him and my brother. After they had been taken on 7 January 1989, I went to Buttala, Kataragama and Moneragala Army Camps to inquire about my husband and my brother. After five days, three of them -- but not my husband -- were transferred from Kataragama Army Camp to Matara Co-ordinating Headquarters. I went again to the Kataragama Army Camp to inquire, and when I was told that all four had been taken to Moneragala I went to look there. An official there said that the other three were there, but not my husband."

The three were released, but the woman's husband "disappeared". She continued her account:

"I have been searching for my husband for two months since his arrest. On one occasion I was told that my husband was dead, but on another that he was in Boosa camp. So I went to Boosa to see. I was told he wasn't there. About nine people were taken to Kataragama camp from our village and then released. They say he is not among the living at the camp."

More than a year after this "disappearance", the victim's wife told Amnesty International in March 1990:

"It is now useless trying to search for my husband. He is no more in this world."

The difficulties faced by relatives of the "disappeared" are heightened by the fear of witnesses to arrests to come forward openly and give evidence. The relatives of one young man reported to have been detained by the army in April 1989 told Amnesty International that they had visited the camp where he was believed held and had seen the vehicle said to have been used to take him there. However, when they went to the army camp with the intention of seeing him they were unsuccessful. One of the relatives commented: "There are people in ... town who had seen the incident but for the fear of being shot by the army they never come forward and give evidence."

Relatives of other victims of "disappearance" have spoken of the hopelessness of attempting to pursue inquiries locally. One told Amnesty International:

"To whom can we complain? What wrong have we poor people done? No one in our country will investigate this attack."

The cruelty of "disappearance" extends beyond the immediate victims: their families, who are denied knowledge of the fate of their relatives and persist for years in a fruitless search for them. The father of two brothers who had "disappeared" nine months earlier wrote:

"Even today we search for them to find out what happened to them, whether they were killed.... Still we can't get any correct information. We have made offerings to the gods and the Buddha but still we have no peace in our minds."

The refusal by the authorities to acknowledge that an arrested person is in custody carries the most serious implications. By denying that they hold the person concerned, the authorities in effect disclaim responsibility for their welfare. Such circumstances facilitate the torture and deliberate killing of prisoners, and those responsible for such grave human rights violations often consider themselves free to act with impunity. Every case of "disappearance" involves a violation of Sri Lanka's obligations under the International Covenant on Civil and Political Rights (ICCPR), to which it acceded in 1980. Such fundamental rights include the rights to life (Article 6.1) and to be free from torture (Article 7): under the ICCPR these may never be suspended, even during a national emergency. "Disappearances" also often violate other rights enshrined in the ICCPR: the rights to liberty and security of the person and to be free from arbitrary arrest or detention (Article 9.1), and the right for an arrested or detained person to challenge the legality of his or her detention before the courts (Article 9.4).

3.1 "Disappearances" in southern Sri Lanka

The pattern of "disappearances" in the south has differed somewhat from that established in the northeast since 1983. In the northeast only a very few of those who "disappeared" have subsequently been found, alive or dead. In the south, too, the fate of many people who "disappeared" remains unclear. However, a larger proportion of those who "disappear" in the south do reappear: some were released following a period of unacknowledged detention; information about others has reached families through personal contacts within the security forces or from among those employed at detention camps. Sometimes the reported sighting of a missing person is only momentary and may not be accurate: he or she may have been seen, for example, in the back of an army vehicle being driven into a detention camp. Some relatives are given false hope by such news, but some of these unofficial reports have turned out to be correct.

Relatives have been able in some cases to gain more information about people who "disappear" in the south because of family and other links which exist between members of the security forces and the civilian population. Relatives of "disappeared" people have also obtained help from lawyers, members of parliament and trade union representatives who have been prepared privately to seek information from their contacts in government and the security forces. Some relatives, however, dare not press their inquiries too far for fear of reprisals by the security forces. Some lawyers, members of parliament and trade unionists who have made inquiries about "disappeared" people have received anonymous telephone threats telling them that not to ask about "terrorist" suspects.

Some of those known to have "disappeared" in the south were arrested alone; others were taken into custody when the security forces rounded up groups of young men for screening as possible JVP suspects. Some of those who "disappeared" were arrested on the basis of identification by a billa -- an informer to the security forces who is often a detainee, and who the security forces take to villages or check points to point out suspects. During such operations, the informer's head is usually covered. Numerous "disappearances" have also occurred following the abduction of people from their homes in the middle of the night by armed men wearing civilian clothes.

Even when a prisoner had been visited in custody by relatives, however, his or her safety has not been assured. In numerous cases, prisoners whom the authorities have acknowledged holding have subsequently "disappeared", with their relatives being told that they had escaped, had been released, or had been transferred elsewhere. In other cases, people released unconditionally or on bail have been abducted by unidentified gunmen and never seen again.

Men have comprised the great majority of those who have "disappeared" although victims have included women. For example, two women in their twenties "disappeared" after being arrested by soldiers near the Karapitiya Hospital in Galle on 8 December 1988. Chamani Geethanjali Muthuhetti and Appukutti Dewage Swarnalatha (also known as Deepika) were reportedly seen in custody at Kotigala army camp by two other women who were later released and who were told by Chamani Muthuhetti and Deepika that they had been tortured and raped. Before their release, the two women said that they saw Chamani Muthuhetti and Deepika being dragged away by two guards to the rear of the camp, from which direction they heard gunshots and shortly afterwards could smell burning bodies. The authorities have not, to Amnesty International's knowledge, ever acknowledged the detention of Chamani Muthuhetti and Deepika. Habeas corpus petitions were filed on their behalf in December 1988, but the outcome of these is not known.

The "disappearance" of Sathyapala Wannigama in November 1987 was among the first in the south to attract widespread public attention and provides an example of the earlier pattern of "disappearance" in the south, before arrests by plainclothes gunmen became commonplace.

Sathyapala Wannigama, an assistant lecturer in philosophy at Ruhuna University, was 37 years old at the time of his arrest. Witnesses said that at about 1pm on 13 November 1987 he was about to get on a bus near his home at Kariyammaditta when a vehicle drew up behind him. Four police officers, including two from the Special Task Force (STF), got out, arrested him and drove him away. Relatives inquired about him at Middeniya police station, where they reportedly saw Sathyapala Wannigama sitting at a table with a police officer. About 45 minutes later, Sathyapala Wannigama was reportedly taken to Tangalle in a van by the police. The next day a relative went to Tangalle police station. Although told by a police constable that Sathyapala Wannigama was not there, the relative reportedly saw him being photographed. On 15 November the relative returned to

Tangalle police station with food and clothes for the prisoner. One police officer reportedly accepted these items and said he would give them to Sathyapala Wannigama, but another officer denied that Sathyapala Wannigama was in custody.

Since then, two habeas corpus petitions have been filed in an attempt to locate Sathyapala Wannigama, but without result. The police denied that he had been arrested. In the second petition, a relative said that prior to his arrest, people in security forces uniform had visited their house and asked about Sathyapala Wannigama. In October 1987 about 20 people who said they were from Middeniya police had searched his room. The relative further added:

"On the same day her uncle was taken into custody, persons dressed in STF uniforms came in a jeep to her house and called out and told us, 'Where is Wannigama. If he was handed over to us when we asked for him this wouldn't have happened. Now you had better perform religious services and give seventh day alms [given on the seventh day after a funeral by Buddhists]'" (Sun, Colombo, 21 July 1988).

Despite this message, sources close to the case believe that Sathyapala Wannigama was alive and in custody for at least several weeks. They believe that he was then killed in custody, but there is insufficient information to conform this.

Among those reported to have "disappeared" following security force round-ups of young men for screening as possible JVP suspects were four out of 18 villagers detained by soldiers in December 1988, at a village in Matara District. About 25 soldiers are said to have surrounded the village and searched houses, beating some residents in the process and summarily killing others who possessed weapons. One man was shot in the leg. He and 17 others, including two brothers, were then taken away by the soldiers. Fourteen of these returned home on 10 January 1989, but the injured man, the two brothers, and another man from the village were not seen again. They had "disappeared". Relatives appealed to various politicians, police and army officials and other public office-holders for help in finding the four, but without success. The security forces denied detaining the four, arousing fears that they may have been killed in custody: several bodies which could not be identified were found dumped on roads in the area a few days after the round-up.

In many cases, people have "disappeared" after the authorities have acknowledged holding them. Jayesundara Mudiyansele Chandrasiri, for example, a 30-year-old married man with a three-year-old son, was reportedly arrested at a relative's house in Polonnaruwa District on 25 March 1988 and taken to Meegaswewa Army Camp. The next day a relative went to the camp, but was told that he had been moved elsewhere. When the relative returned to the camp in early April 1988, soldiers accepted clothes he had brought and said they would give them to Chandrasiri, but did not allow the relative to see him. In August 1988 Chandrasiri's

relatives filed a habeas corpus petition on his behalf, including sworn statements from two former detainees at Meegaswewa Army Camp, who said that they had seen Chandrasiri in custody there. The respondents alleged that Chandrasiri had escaped the day after his detention, while being taken from the Meegaswewa Army Camp to his home to recover a weapon. The case was then referred for magisterial inquiry, to be held in January 1990. It is not known if this inquiry has been completed.

In other cases, detainees have "disappeared" after relatives were allowed to visit and speak to them in detention. In one such case, the mother of a "disappeared" prisoner told Amnesty International:

"[In] December 1987 [my son] was arrested by some unnamed men while he was on his way to work. From that day until 20 March 1988 I spent time crying and thinking about my son. In March 1988 I was informed that he was being held in the ... prison camp. With great difficulty I went there to see him. I saw my son that day and found that his memory had been affected. He had been tortured and inhumanly assaulted by the police. He had been hit on his head with a large baton. From March until September I visited him every month. I did not visit him for about four months from October 1988 because of the adverse situation prevailing in Sri Lanka during this period. I went to the camp in January 1989 but he was not there. Upon making inquiries I was told that he had been released, but to this day my son has not come home."

In a similar case, a prisoner was seen being taken away in a jeep on 21 October 1987 by a group of STF soldiers shortly before he "disappeared". Later that day two relatives went to register a complaint with the Middeniya police. While they were at the police station they saw the jeep arrive with their relative inside. The following day some of the relatives went to see the prisoner at the Morayaya camp, taking food, drink and clothing, but were not allowed to see him. The official at the gate said he would give the prisoner the items they had brought. On 24 October several relatives returned to Morayaya camp, but were told that the prisoner had been taken to Colombo. Since then, despite numerous inquiries, the relatives have heard nothing more about the prisoner.

In another case, a prisoner who remains missing was reportedly seen in a police cell after the authorities said he had been released. A.H. Jayasena was apparently arrested in Galle on 26 September 1987, and taken the following day to Meetiyyagoda police station. His relatives could not trace him but a lawyer who visited Meetiyyagoda police station in early December 1987 said he saw A.H. Jayasena in a cell there but was unable to speak to him. He asked the Officer-in-Charge (OIC) why A.H. Jayasena was being held without being brought before a magistrate and was told that he was being held under a 90-day detention order. However, the OIC refused to show the detention order to the lawyer. A habeas corpus petition was filed: in response, the police produced an affidavit in which they alleged that they had released A.H. Jayasena on 27 September 1987, over two months

before he was seen at the Meetiyagoda police station. The case was referred for inquiry by the Colombo Chief Magistrate, but was postponed in May 1989. There has been no further information on the case since then.

In other cases, prisoners released from custody, either on bail or unconditionally, have been seized shortly afterwards by armed men in plain clothes believed to be operating on behalf of the security forces. They have then "disappeared". In one case known to Amnesty International, a former prisoner was abducted together with a friend who had arranged his release with the police. Both remain "disappeared". Two plainclothes officers went to X's house at night, shortly after he had obtained his friend's release, and took both men away. X's mother protested and she was assured that her son would be home "in a couple of hours or, certainly, by the next morning". When he did not return, the mother went to the police station and was told that he was not there and that the men who had taken the two away the night before were not police.

Relatives subsequently learned that X was detained at an army camp in Southern Province, but when they inquired there they were told he was not present. Confidential sources from within the police told them that "X is hurt and the army does not want him seen," leading them to fear he had been tortured. The military authorities have not acknowledged his arrest.

Some victims of "disappearance" have been relatives of JVP suspects sought by the security forces. Such relatives appear to have been detained as a form of reprisal, or to pressurize the wanted person into giving themselves up to the security forces.

In one case, four people were taken from a bus in September 1989 at an army checkpoint when a billa identified one of them as the brother of a JVP suspect. The brother was kept at an army camp while the three other relatives were released shortly afterwards. The brother has since "disappeared". Repeated inquiries by his relatives have been met with a blank denial from the military authorities that he is in their custody.

Some "disappearances" appear to have occurred because of private disputes rather than for political reasons. In such cases, it appears that one party to a dispute may have submitted false information to the security forces with the result that they caused the victim to "disappear". A lawyer who was arrested in October 1989 by armed men dressed in black and taken to an army camp, was subsequently told by a confidante within the army that he had been arrested because of allegations made against him by someone with whom he was involved in a dispute over property. Because of his friend's intervention, the lawyer was released after one night in detention, but he was told: "You are lucky to be freed like this. Only a few get this chance."

Workers seeking to protect the rights of people employed in the Free Trade Zone (FTZ) near Katunayaka, where trade union activities are greatly restricted, are among those who have "disappeared"; others are said to have been detained and killed by the security forces. Herath Mudiyansele

Ranjith, a machine operator and supporter of the ruling UNP, is believed to have been detained and possibly killed after he complained about dangerous machinery where he worked, following an accident in which two workers lost fingers. He was suspended by the company because of his complaint. He went for advice to the Katunayaka Legal Advice Centre, which provided advice and legal assistance to FTZ workers. The Advice Centre contacted his employer to arrange an internal inquiry into the suspension, to which an advice worker was to accompany Ranjith as an observer. Both men attended the inquiry on the afternoon of 27 October 1989. When it was over, they left on one bicycle but neither of them reached home. The same evening two men were seen by witnesses being detained by men, who were presumed to be police and who used a white Hiace van, near the Katunayaka playground. The two had been knocked from the bicycle -- which was later found to belong to Herath Mudiyansele Ranjith -- before being taken away. The next day two bodies were found nearby: they were burned beyond recognition but it appears that they may have been those of Herath Mudiyansele Ranjith and the advice worker accompanying him, Madurappulige Lionel. Relatives who had asked about the two men at Peliyagoda police station were told that neither of them were in custody there.

One of those present at the inquiry had alleged that a representative of the employer had telephoned the police to inform them that the inquiry had been completed, but this has been denied by the employer's representative and the police. However, suspicion persists that the two men were victims of an official action. A few days earlier, Madurappulige Lionel is said to have received a threatening telephone call from a police officer in Negombo, who said he had been given powers to deal with "busy bodies" at the Legal Advice Centre. The police continue to deny that Herath Mudiyansele Ranjith and Madurappulige Lionel were detained, and their abductions were reportedly referred to the Crime Investigation Department (CID) for investigation, although apparently without result.

By no means all victims of reported "disappearances" were associated with the JVP. Supporters of the ruling UNP and the opposition party SLFP, and the parties forming the United Socialist Alliance (USA), have also been involved. Some are alleged to have been detained on instructions from particular members of parliament.

One family known to support the SLFP was subjected to particular harassment during a period of a year, apparently involving bodyguards working for the local UNP member of parliament and the police. According to reports, in March 1989 one member of the family, D.N.M. Herathbanda Dissanayaka, was abducted from his shop by the "Green Tigers", but he escaped and went into hiding. A few days later a police team searched the family house and took Herathbanda Dissanayaka's motorcycle and some other possessions. When Herathbanda Dissanayaka's father went to claim them the next day, the police told him that they would be returned only when Herathbanda Dissanayaka surrendered to the police. In September 1989 Herathbanda Dissanayaka's brother, D.N.M. Appuhamy Dissanayaka, was abducted in broad daylight near the school where he taught. A witness to the abduction was threatened and told not to inform Appuhamy Dissanayaka's

parents: consequently they did not learn of the abduction for three days. The witness then reportedly told them that Appuhamy Dissanayaka had been taken by a group of men in civilian clothes who had assaulted him with their rifle butts. The witness identified one of the men as a local police inspector and three others as members of the local Home Guard, a civilian defence militia, who also acted as bodyguards to a local member of parliament. He identified the driver of the van in which Appuhamy Dissanayaka was driven away as the member of parliament's driver. Appuhamy Dissanayaka has not been seen since his abduction. A third brother was arrested by police in October, accompanied by the same members of the Home Guard. He was released after two days in custody, as was a fourth brother, who was held for two days in December 1989. However, a fifth brother, D.N.M. Tikiribanda Abeysinghe, "disappeared" following his arrest by police while visiting friends in March 1990. Friends who inquired about him near the place of his arrest were told that he was in custody and later a police officer confidentially informed one of Tikiribanda Abeysinghe's relatives that he had been transferred to the custody of the police in his home area. They, however, deny holding him and he has now "disappeared". In mid-April 1990 a further brother, D.N.M. Punchibanda Navarathna, was taken from a resthouse where he was having a drink by two men recognized as belonging to a local army camp. Relatives who inquired there were told he had been transferred to another army camp, but his detention there was denied. Punchibanda Navarathna was released on 8 June 1990.

In another case, Chandradasa Ranasinghe is reported to have "disappeared" following his arrest in Matara town on 22 December 1989. Several people saw him in the town that morning prior to a combined police and army search operation in which he is believed to have been detained. Two people reported seeing him at Matara police station during the following few days, but the authorities did not acknowledge his detention and he subsequently "disappeared". Aged 25 at the time of his arrest, Chandradasa Ranasinghe was a law student at Sri Lanka's open university and an active member of the NSSP, one of the parties of the USA. He was assistant secretary of the NSSP Matara District Committee and in 1988 had stood as a candidate for the USA in the provincial council elections.

One member of the UNP reported to have "disappeared" is Lakshman Perera, a UNP member of the Dehiwala-Mount Lavinia Municipal Council. He was reportedly detained at his sister's home in Dehiwala on the night of 26 January 1990. A subsequent press report quoted the Mayor of Dehiwala-Mount Lavinia as saying that Lakshman Perera had been taken by "officers in uniform as well as in civils" (*Island*, Colombo, 1 February 1990), but the next day this statement was changed at the Mayor's request: "This should be corrected as that [sic] Mr Lakshman Perera had been taken by unidentified gunmen ...". The same newspaper also reported on 2 February 1990 that the opposition leader of Dehiwala-Mount Lavinia Municipal Council -- who had called the meeting about Lakshman Perera's detention at which the Mayor had spoken -- had "received a telephone call threatening him with death if he made any further moves in connection with the disappearance of the UNP councillor". Minister of State for Defence Ranjan Wijeratne announced that a full inquiry would be held into the case but no results have been made

known. Lakshman Perera was the producer of a satirical play "Who is he? What is he doing?" written by Richard de Zoysa, who was killed in February 1990 (see above, 2.2.1).

4. TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OF PRISONERS

Reports of the torture of prisoners by members of the security forces in the south have been widespread. Torture has sometimes been so severe that it has resulted in prisoners' deaths. The methods used reportedly include beating with sticks, batons, rubber straps and pipes on various parts of the body, including the feet and the genitals; assaulting detainees while they are suspended, hanging by their thumbs, from a beam or a tree; tying detainees onto a bench and assaulting them with rods and pipes; electric shocks and burning, including of the penis; pulling out hair; forcing detainees to inhale smoke from burning chillies; and forcing chilli powder into the anus, penis and mouth. Several former detainees have described a form of torture known as the dharma chakra (wheel of the Buddha's teaching) in which they were stripped naked and tied in a squatting position, with their wrists bound together around their shins and their ankles tied. A pole was then passed under their knees and they were suspended upside down from the pole. They were then rotated, causing injuries to their arms and legs, and beaten. Men and women prisoners have reportedly been raped, and male prisoners have said that they were forced to sexually abuse women prisoners.

Many prisoners have been kept in the custody of the agency which is responsible for their interrogation, in contravention of international standards prescribing safeguards against torture. Amnesty International has received numerous reports of the torture and cruel, inhuman or degrading treatment of prisoners held in military and police custody.

Many reports speak of prisoners being kept blindfolded for weeks on end, with the result that they later suffered eye problems when exposed to bright light. In addition, prisoners have reportedly been held in ankle-irons connected to chains hanging down from the ceiling. They have also been tied to each other while in detention.

The accounts which follow were obtained from former prisoners, some of whom still bore marks of injuries inflicted during their torture. The first was given by a student who was arrested by the army in December 1988. According to his statement, he was blindfolded and taken in a vehicle to a camp, and beaten with rifle butts during the journey. At the army camp, he was put into a pit about 12 feet deep and seven to eight feet in diameter, where other prisoners were also held. When he was taken out for questioning, his blindfold was removed. He was threatened with death during interrogation, and then taken to a hall where he was handcuffed to other prisoners. He and the other prisoners were beaten and kicked. He was then transferred to another army camp. There, he was again interrogated:

"I was shown the apparatus in the room. Lieutenant X turned on an electric switch and I saw a red-hot iron, one soldering iron and one iron rod. They used this, I found out later, to beat prisoners, and every time it hits your body you get an electric shock. I was told to face the wall and beaten with an S-lon pipe. After this, Lieutenant X ordered [another soldier] to take me away and hang me up by my thumbs. [The soldier] put a shoelace around my thumbs and then a nylon thread under this. The nylon thread was attached to a pulley and a soldier on the other side pulled me up. This was outside, from a mango tree.... While I was hanging there I was beaten with S-lon pipes filled with sand. I was not blindfolded. It lasted about ten to 15 minutes. After a while, my whole body went numb. Even now, after my release, my thumbs sometimes feel as if they are shivering. I feel a kind of vibration in them. When I was dropped to the ground I could not stand. I fell down.... The next day my ankles were tied together and I was hung upside down at the same place under the mango tree. This time I was beaten on my buttocks. All this time I was naked. I was beaten with an S-lon pipe. Then a barrel of water was put under me and I was dropped in it for a few seconds, then out, then in again and so on. Again, this gave a kind of numb feeling after a while. I did not actually lose consciousness but I became totally without energy, totally numb."

Four or five days later, this prisoner was again interrogated and subjected to further torture.

"This time, [the Lieutenant] was there. He took off my blindfold and forced me to look at the apparatus. Then he blindfolded me again and put handcuffs on me. I felt two people grab me. Then I felt somebody putting a burning cigarette on my feet. I was crying out and tried to hide under the table; I knocked into chairs. I don't know how many times this person burned me, but after a while it felt like my whole feet were on fire. I shouted out. Some of them were laughing at me, others were shouting at me to tell the truth. Then they used the electric drill. I had been shown this drill before and they had threatened me with it. They drilled in my left shin. I was conscious but did not feel anything."

Buddhist monks have also been tortured in detention. The following account was given by a 24-year-old monk who had been arrested by police in March 1989 and released after 12 days following the intervention of a member of parliament:

"[The police] stopped the bus I was travelling in and took me away in a jeep. Before they put me in the jeep, they disrobed me.... [At the police station] I was beaten on my back. They tied my thumbs together and hung the rope over a bar that was across the ceiling. They pulled me up. My left shoulder was dislocated. They kept me hanging for about half an hour. They

were shouting things like 'Dog, are you a monk? No you are a dog. You eat from the people. You try to overthrow the government. We'll hang you and kill you.' They also threw chilli powder in my face, especially in my nose and eyes. My eyes were very painful. I got this hot feeling all over my body.... Even now I can't lift my arm above my shoulder. I have no strength in my left hand.... When I was hung they also twisted me around and pushed me around like a punch-bag. They beat me in turn with their batons. I was naked all this time."

Another former prisoner alleged that he was severely beaten on his legs while in police custody and struck on the head:

"They put the big registers which they keep at the police station on my head and, standing on a bench, they hit it hard with a baton. I fell unconscious after the first blow. I could feel extreme pain in my eyes."

In another case, a report by a Judicial Medical Officer in Colombo contained the following account of an attack by army personnel on a prisoner who was detained on 21 December 1988 by five army officers on his way home from a friend's house:

"One of them removed his shirt and tied it around his head and face, blindfolding him. Then he was pushed into a van and taken to a place which he has come to know as the Mattegoda Army Camp. At the army camp at Mattegoda he was taken to a large hall, where he was asked to sit on the ground. When he sat on the ground leaning against the wall an army officer gave him two slaps while another held him by the hair and struck his head several times on the wall....

"Next he was asked to remove his sarong and underwear and sit on the floor. Then an army officer, whom he later came to know as Lieutenant X, poured some petrol [out of] a 'Coca-Cola' bottle to his private parts and threw a lighted match which set his private parts on fire. He quickly took his sarong and extinguished the flames while at the same time Lieutenant X poured some water onto his body."

The Judicial Medical Officer (JMO) noted injury scars on the penis, buttocks and the upper thigh areas, which he said were "consistent with injuries caused by flame burns around 21 December 1988 as alleged by the patient". Despite this finding by the JMO, no action is known to have been taken by the authorities to identify and bring to justice the army officer allegedly responsible for this incident, or to compensate the former detainee for the injuries he sustained while in military custody.

5. THE NORTHEAST

The IPKF arrived in the Jaffna peninsula on 30 July 1987 in accordance with provisions of the Indo-Sri Lanka accord. Their efforts to disarm Tamil militants were largely unsuccessful. In August fighting between the LTTE and other armed Tamil groups intensified, reportedly over disagreements on the balance of power in the interim administration pending elections to the Northeastern Provincial Council. In September 1987, the head of the LTTE propaganda wing in Jaffna, Amirthalingam Thileepan, began a hunger-strike to the death in support of LTTE demands that all rival Tamil groups be disarmed, all Sri Lanka Army camps and police stations in the northeast be closed and all Sinhalese residents of Eastern Province who had settled there since 1982 be removed. Amirthalingam Thileepan died on 26 September 1987.

In October 1987, 15 LTTE combatants who had been detained committed suicide at Palaly military airfield as they were about to be transferred to Colombo for questioning by the Sri Lankan authorities. In response, the LTTE killed eight Sri Lanka Army soldiers and police officers who they had been holding captive in Jaffna, and attacked Sinhalese residents of Eastern Province, killing some 200 people. On 9 October the IPKF launched a major offensive against LTTE strongholds in Jaffna, taking control of the city by the end of the month. There were heavy casualties on both sides and hundreds of civilian deaths.

After this, the LTTE remained in violent opposition to the IPKF and to rival Tamil groups -- most notably the Eelam People's Revolutionary Liberation Front (EPRLF) -- which aligned with the IPKF. The EPRLF came to dominate the Northeastern Provincial Council following elections in November 1988, which the LTTE boycotted. Fighting between the LTTE and the IPKF extended to Eastern Province in December 1987 and there was continued fighting between the LTTE and other militant Tamil groups.

The Government of India agreed in September 1989 to withdraw its troops from Sri Lanka by the end of the year, although the withdrawal was not completed until late March 1990. Apparently in anticipation of the withdrawal, the EPRLF and its allies, with the help of the IPKF, forcibly conscripted and trained thousands of young men and women into a new unofficial force, the Tamil National Army (TNA), which then appeared in eastern districts as the IPKF began to withdraw in October 1989. By the end of the year an estimated 25,000 Indian troops remained in Jaffna and Trincomalee Districts, and fierce fighting was reported between the LTTE and the TNA with heavy loss of life. In January 1990, fighting was reported between the LTTE and the IPKF in Jaffna, and the LTTE took control of all areas vacated by the Indian forces. When Indian troops finally withdrew from Trincomalee in March 1990, thousands of members and supporters of Tamil groups which had fought the LTTE fled to India.

During their deployment in Sri Lanka, Indian troops reportedly committed numerous grave human rights violations, including torture and extrajudicial execution. They also held thousands of prisoners without

reference to the provisions of either Sri Lankan or Indian law. Amnesty International recorded at least 43 "disappearances" following arrest by the IPKF. In some cases, reported human rights violations were committed by members of Tamil groups allied with the Indian forces, apparently acting with their acquiescence. This chapter gives examples of these violations [15]. It also summarizes human rights concerns in the northeast following the withdrawal of the Indian troops, up to June 1990.

5.1 The context of human rights violations: abuses by the LTTE

Widespread killings of Tamil and other civilians were committed by the LTTE while the IPKF was deployed in the northeast. In March 1988 the LTTE was reported to have attacked two Sinhalese villages in Vavuniya District killing 15 people, and to have killed 40 Muslims south of Batticaloa. In another incident in April 1988, 26 people were killed in Trincomalee District when their bus was blown up by a landmine, reportedly laid by the LTTE. The worst single attack on Sinhalese civilians attributed to the LTTE occurred at Ullukulama in North Central Province, where 47 villagers reportedly died in October 1988, during the run-up to the provincial council elections. In July 1989, Minister of State for Defence Ranjan Wijeratne stated that the LTTE had attacked five Sinhalese villages in the previous four months, killing 101 people.

The LTTE also killed many Tamil people suspected of opposing them or being informants against them, and members of the civil administration in the northeast with whom they disagreed. The Government Agent of Jaffna, T. Panchalingam, was murdered in May 1989, reportedly by the LTTE. Tamil members of political parties which supported the Indo-Sri Lanka accord or contested parliamentary elections in February 1989, which the LTTE boycotted, were also threatened or killed. Annamalai, a lawyer, was shot dead by youths while visiting his family in Jaffna in January 1989. The LTTE claimed responsibility for his death, saying that they had killed him because he had spoken in favour of the USA presidential candidate at a public meeting.

Assassinations committed by the LTTE were not confined to the northeast. For example, in July 1989 Appapillai Amirthalingam, leader of the TULF, and Vettivelu Yogeswaran, another senior TULF leader, were killed by gunmen at Appapillai Amirthalingam's house in Colombo. The LTTE later claimed responsibility.

5.2 Extrajudicial executions

Numerous extrajudicial executions committed by Indian troops and members of Tamil groups allied with them were reported to Amnesty International. Some were reprisal killings of civilians in the area of LTTE attacks against Indian forces; others were individual killings of defenceless civilians, sometimes in their homes, during search operations.

Two sisters, one of whom was pregnant, were reportedly killed by Indian soldiers in their home at Udupidy on 15 February 1989, the day of

the parliamentary elections. Their home was close to an IPKF camp and soldiers regularly crossed their compound to avoid going along the road. According to reports, soon after the polling booths had closed at 4pm sounds of firing were heard at Udupidy. The brother described the events as follows:

"At about 5.15pm that day all [my family] and myself were present at my parents' house when some IPKF soldiers happened to pass through the compound of the house.... While six of the soldiers skirted the main building ..., one of them passed through the passageway between the main house and the detached kitchen part of the house. Some others passed along the public road skirting the compound of our house. The lone soldier while passing through the said passageway ... fired his firearm upwards, striking the gutters jutting out from the roof of the main house and the kitchen. When the rest of the soldiers heard the sound of this gunfire, they rushed towards our house firing their rifles. All 13 of us rushed into the rooms of our house. Within about five minutes the firing subsided and we came out of the rooms.

"The soldiers, who were all Sikhs as they appeared to be wearing turbans and beards, came and addressed me and my brother ... in the Hindi language, which we could not follow. However, I managed to pick up one word they used in English -- 'LTTE'. I presumed that they were asking whether ... the LTTE had fired at them. By means of signs of my hands I indicated that I did not know. Almost at the same time some soldiers were questioning my [two] brothers....

"My sisters, Elizabeth and Joyce, went over to that group questioning my brothers and explained in English and Tamil that the firing was initiated by the soldier who passed through the passageway in their house and the whole series of firing by the IPKF was sparked by the particular soldier who had fired the first shot. The soldiers, about 20 [of them], appeared to understand and started to go away.

"When they had gone about 10 yards, two of them turned towards us and shot at us. Two of my sisters, Elizabeth and Joyce, were hit by the gunshots. My sister Joyce was then carrying in her arms her three-year-old child. [She] was also pregnant with child and nearing her confinement date. Both sisters fell and died instantaneously....

"At the sight of the shooting ... one of the soldiers looked towards us and wept before joining the rest. Within about 10 minutes about eight IPKF officers came and picked up the spent bullets and explained that the LTTE had fired at us. I told the IPKF officers that it was their men who fired at us and that they could kill the rest of us and go."

The brother was called to the IPKF camp over the road:

"At the IPKF camp I was asked to sign a prepared statement in English.... It was to the effect that the killing of the two women was by the LTTE. I told the officer that I was a priest and could not sign such a false statement. I further added that the incident was caused by the IPKF itself. I left the place in disgust."

Some reported extrajudicial executions were apparently caused by civilians failing to obey IPKF instructions, some of which were not widely known. For example, on 13 July 1989 at Munai, Jaffna District, a young fisherman was icing fish when he was reportedly called over by Indian soldiers and beaten. He tried to run away and was shot dead. A week earlier the IPKF had announced a ban on fishing on that day, but this was not known by all of the fishermen.

Many reported extrajudicial executions by Indian troops were apparently acts of reprisal for the killing of their members by the LTTE. One such incident reportedly occurred at Avarangal, near Jaffna town, on the morning of 16 May 1989. Nearly a week earlier, an IPKF patrol had come under fire from the LTTE, and a captain and another soldier had been killed. According to reports, on 16 May Indian soldiers from the Achchuveli camp went towards Avarangal, beating passers-by on the road, and surrounded the area together with soldiers from Puttur camp. Two men, Ponnar Kanthasamy and Sinnathamby Kanagalingam, were arrested by soldiers from Achchuveli and taken into a vineyard. They were later shot dead. Another man, S. Ratna, was asked to open his house for a search, but did not have the key. He asked to be allowed to find his wife to get the key, and was shot dead as he walked away. Six young labourers who had taken refuge at the Mangauna Vairavar temple were arrested, beaten and taken to the main road. The soldiers stopped a bus and ordered the six aboard. One of the passengers on the bus, a postmaster at Chankanai, protested at the way the six were being treated, and a soldier shot him dead. The other passengers were asked to say that the LTTE had shot at the bus. The six labourers were taken on the bus to the Puttur IPKF camp.

On the afternoon of 16 May 1989 soldiers from the Puttur camp reportedly beat several people in the area, including pregnant women. They also stopped a lorry and arrested three young men, who they detained at the Puttur IPKF camp. The next morning the bodies of two of them, Ponnuthurai Vamadevan and Selliah Sivalingam, were returned to relatives, who were instructed to cremate them within one hour. The bodies bore signs of torture and bullet wounds.

Another prisoner, Thuraisingam Uthayakumar, was reportedly arrested at Vakaraivattai, in the same area, on the morning of 22 May 1989. He was shot dead. Four prisoners arrested in the area in this period reportedly "disappeared": Kathiresu Uthayanathasivam (see below, 5.3), Eliyathamby Parthipan, Manikkam Thavendrarasa and Thillakarathinam Rathimchan.

The largest single instance of reprisal killings by the IPKF was reported from Valvettitturai in early August 1989, when at least 52 people were killed, many of whom are believed to have been defenceless and deliberately killed. It was described by Amnesty International in Sri Lanka: Reports of Extrajudicial Executions, AI Index: ASA 37/21/89, December 1989. Several other reprisal killings were also reported in that period, including one at Point Pedro South on 26 July 1989. That morning, IPKF vehicles came under fire near Puloly junction and two soldiers were reportedly killed. According to reports, from 9am troops went from house to house in the area and shot several people in their homes. The attack lasted about three hours. Three women -- S. Shantakumari, aged 20; her mother, S. Thangamma, aged 38; and her grandmother, S. Sellachchi, aged 70 -- were shot dead in their home after arguing with soldiers. Subramaniam Ganeshanandan, aged 22, was taken from his home and killed. Kandasamy Kumarakulasingam, a bus conductor also aged 22, was dragged off a bus and shot dead. A woman selling pots on the Maruthankerni Road, Sinnammah, was also shot dead.

Some prisoners also reportedly died while in IPKF custody, apparently as a result of torture or of deliberate shooting. Others were shot dead shortly after their release, reportedly by Tamil groups allied with the Indian forces.

Ariyaratnam Thandauthapany was reportedly arrested by the IPKF on 8 January 1988 while he was worshipping at a Murugan Temple in Sivan Kovilady, Vaddukoddai, according to sworn affidavits by his relatives. His wife and children rushed to the Vaddukoddai IPKF camp on hearing of his arrest. On their way they saw Ariyaratnam Thandauthapany and three other prisoners being escorted by about 25 Indian soldiers. Ariyaratnam Thandauthapany was bleeding from injuries on his back. Relatives went to the camp five times but met with evasive replies about the whereabouts of Ariyaratnam Thandauthapany. On 10 January 1988 they were told that Ariyaratnam Thandauthapany's whereabouts were not known. On 10 February, when they again visited the camp, they were informally told by an IPKF officer that Ariyaratnam Thandauthapany had been shot dead. The officer refused to put this in writing, however. The family persisted in their efforts to have the death registered, which they finally achieved in August 1988. According to the death certificate, Ariyaratnam Thandauthapany "died on 13 January 1988 in IPKF action at Araly. His body was cremated by the IPKF as per practice then in vogue." Other prisoners who were released said that they had seen Ariyaratnam Thandauthapany in custody up to 13 January 1988.

Among the prisoners apparently released by the IPKF, but found dead soon after, was Vaithy Daniel, a worker at Kankesanthurai Cement Factory. According to sworn statements by relatives, he was arrested at work on the morning of 5 February 1988 by soldiers from Tellippalai IPKF camp. The next morning his body was found at a place called Crusher Junction, tied to a lamp-post. There was a bullet wound in his head and lacerations on his back, forehead and the nape of his neck. A doctor who examined the body said he believed Vaithy Daniel had been "killed elsewhere, earlier, and his

body brought to the junction and shot at". He said that Vaithy Daniel had probably died five hours before he was tied up and shot; there was no blood discharged from the bullet wound.

A relative who had inquired at Tellippalai camp on the evening of the arrest was told that Vaithy Daniel would be released the next day, following an inquiry. The relative left the camp at 6.45pm, before the curfew came into force at 7pm. After the body was found, this relative was told by the same officer that Vaithy Daniel had been released at 5pm on 5 February, the day of his arrest. When the relative reminded him that he had been there until 6.45pm that day, the officer changed his account of the release, saying that Vaithy Daniel had been released shortly after the relative had left.

Extrajudicial executions by Tamil groups allied with the Indian forces were also reported. Some prisoners were transferred between IPKF and EPRLF camps, which were often located next to each other, and were reportedly killed in custody. One woman described in a sworn affidavit what happened to her husband, Kandasamy Velupillai, who was apparently arrested as a substitute for her eldest son and killed on 4 August 1989:

"About two weeks prior to the death of my husband, two armed youths came to my house at about 8pm one night. The two youths, having inquired about the identity of my husband, asked to see my son. At that time only my husband and my younger son, Chandrakumar, aged 14 years, were at home. I was away in Colombo with my eldest son at that time.... The two youths told my husband that they had come to shoot and kill my eldest son. They had a good look at my youngest son who they said was too young. The two youths then went away. My husband and my younger son, however, recognized the two youths as members of the EPRLF militant group who had a camp at Pandaterruppu next to the IPKF camp and about half a mile away from our house."

The next morning, after her husband had gone to work, armed youths arrived at their house and took Chandrakumar away. Her husband went to the EPRLF camp to plead for Chandrakumar's release and was told that he would not be released because his eldest son was an LTTE supporter. The next day the mother also went to the Pandaterruppu camp, where she was told that Chandrakumar had not been taken by the EPRLF but by the IPKF and had been handed over to them. They refused to release him and said she should not inquire again for at least one month. She continued to go daily, however, and about one week later she was told that Chandrakumar had been transferred to the adjoining IPKF camp. There, she and her husband were permitted to see their son, who told them that he had been on the verge of being shot by the EPRLF when Indian soldiers rescued him and took him to their camp. On 2 or 3 August 1989 her husband was abducted by EPRLF cadres and taken to the Pandaterruppu camp, where he was tortured. He was then taken to Kerrimalai, about four miles away, where he was shot dead in front of witnesses. There were burn injuries on his face and neck. Chandrakumar continued to be held by the IPKF: it is not known what happened to him

thereafter.

Another prisoner reportedly shot by the EPRLF was Ponnampalam Sasitharan. On 4 September 1989 he went to the EPRLF office opposite the Jaffna hospital, and then to the EPRLF camp at the Ashok Hotel, to seek the release of one of his employees. His widow stated in a sworn affidavit that:

"While my husband was on his way he was arrested opposite Seemati Textile Shop, Grand Bazaar, Jaffna at about 4pm. I received word of the arrest almost immediately. My mother-in-law, I and my infant child went to the office of the EPRLF opposite Jaffna hospital at about 5pm. The sentry at the EPRLF office showed me my husband's motor-cycle and said he was inside their office, [and that he] would be taken to Ashok Hotel Camp for inquiry and would be released in the evening. We then went to Ashok Hotel Camp ... and waited there in the hope that my husband would be brought there. [At] about 6.30pm we saw a motor van entering the camp. My husband was inside the van; we saw him being taken inside the camp. When we asked that he be released, we were told that he would be released only the following morning and to come the next day at 9am. When we went the next day at 9am we were told to come in the evening.... We used to go and wait every day at the EPRLF camp from morning to night until we went last on the morning of 14 September."

On 14 September, as she went to the EPRLF camp, she met one of her husband's employees, who had been detained on 9 September and released on 14 September. He told her that,

"the EPRLF had wanted it to be conveyed to us that my husband was shot by them on 9 September and the body put at Wellington Theatre junction, Jaffna. We went to the Jaffna hospital and identified my husband's body at the morgue."

Her husband had died of gunshot injuries.

Not all of those shot by the EPRLF had been held in detention. There were numerous reports of summary killings by the EPRLF, including of Achilan Thiruchelvam, the 19-year-old son of the editor of Murasoli, a Tamil-language newspaper, who was shot dead on 10 May 1989. Since the last week of April, Murasoli had carried front-page articles about the talks between the LTTE and the Sri Lankan Government. The editor, Sinnadurai Thiruchelvam, had earlier criticized aspects of the Indo-Sri Lanka accord, and had been detained by the IPKF for 35 days apparently because he was suspected of knowing the whereabouts of LTTE leaders. His release in December 1987 was conditional: he was required to report daily to the IPKF and to remain in the Jaffna Bazaar area unless he had permission from the town commandant to leave; he was also barred from writing anything against the IPKF (including reporting IPKF killings) or certain provisions of the Indo-Sri Lanka accord.

On 10 May 1989 four youths came to his house. What follows is Sinnadurai Thiruchelvam's account of what happened:

"Four youths in civilian clothes entered my compound at about 6am.... I immediately recognized one of them as belonging to the EPRLF which runs the Northeastern Provincial Council Administration and is responsible for law and order. This youth had come to my office several times. I inquired of him what he wanted. He showed me an envelope containing some news items and asked me to come down to receive it. He then climbed the stairs on the outside of my house and, seeing hesitancy on my part, said, 'Can't you trust me?' At this point my wife joined me. Then I noticed that one of the men who had remained below had unwrapped a pistol which had been covered with paper. While my wife was arguing with the youth upstairs, I slipped out through the back door and went to the house of a neighbour ... and from this house proceeded to [another] house. During this time, my son Ahilan, who was resting in his room, opened his bedroom door to find out what the disturbance was. My son identified himself, at which point he was dragged out of the house and forcibly taken away in a blue Ford Prefect car, which I can identify. This took place about 6.30am. I subsequently discovered that my son was shot within 10 minutes. He received three bullet shots to his head. The details are available in the coroner's report, recorded at the Jaffna Hospital on the same day."

5.3 "Disappearances"

Amnesty International has recorded at least 43 "disappearances" following arrest by the IPKF, and 12 following arrest in the northeast by members of the Sri Lankan security forces after the Indo-Sri Lanka accord. The number is not the total because full details in all cases are not available to Amnesty International; for example, three of the four reported "disappearances" mentioned above following the reprisal attack on Avarangal in May 1989 are not included.

The majority of "disappearances" for which the IPKF was reportedly responsible occurred in Jaffna District between October and November 1987, the period of the main IPKF offensive on Jaffna town. In some cases, members of Tamil groups allied with the Indian forces participated in the arrests. "Disappearances" attributed to the IPKF were also reported from Trincomalee, Vavuniya and Amparai Districts. After November 1987, many fewer "disappearances" were reported. However, reports continued to be received of prisoners dying in custody, or being released to face death at the hands of Tamil groups allied to the Indian forces. In these cases, however, the bodies were found, even if the authorities contested the circumstances of death.

In all of the cases of "disappearance" documented by Amnesty International, relatives tried to trace the missing person by inquiring at

IPKF camps or, where relevant, Sri Lanka Army camps. Some were sent from camp to camp on a fruitless search. Relatives were given numerous explanations by Indian officers of the whereabouts of the "disappeared": they were told that the prisoner had been transferred from one camp to another, but on inquiring there, their detention was denied; they were told that the prisoner had escaped or been released, but never heard from them again; they were told that the prisoner had never been arrested, even after the arrest had at first been acknowledged. In some cases, families were told by released prisoners that they had seen their relative in detention with injuries sustained through torture.

Ponniah Kantharuppan was arrested on 19 November 1987 soon after he had left his home at Nallur, Jaffna District. Friends saw him being assaulted near the Vairavar temple. The next day, according to her account, his mother went to the IPKF camp at Nayanmarkadu to plead for her son's release. She was told that her son had been taken out of the camp. After she returned home several Indian soldiers arrived at the house, searched it, and took her to the gate where they asked her to identify her son:

"At first my grown-up daughters and I could not identify my son as he was dressed from head to foot in IPKF uniform and cap. It was only when my son cried out that we recognized him by his voice. The soldiers said that he would be freed that evening and took him away."

He was not freed that night and when his mother went again to the camp on 23 November 1987 she was denied access. She made inquiries from the Commanding Officer at Stanley College Camp in December 1987, but he denied all knowledge of her son. She also inquired at IPKF camps at Fort, Nallur, Chunnakam and Jaffna Railway Station, but learned nothing about him. She had visited the IPKF Jaffna Town Commandant about 10 times by July 1988. He finally told her that the IPKF would have released her son "but that the LTTE would have shot him". This statement was not substantiated. He gave her a letter saying that Ponniah Kantharuppan was not in IPKF custody. Ponniah Kantharuppan's whereabouts remain unknown.

Members of a Tamil group then known as "Three Star" participated in the arrest of Thuraiappah Jeyarajasingham on 31 December 1987 at Chunnakam, Jaffna District. Members of "Three Star" accompanied Indian soldiers who took him away in an army truck. After he had been arrested, members of "Three Star" and Indian soldiers came and searched his home. According to his mother, they then brought her son into the house with his hands tied behind his back. He had welt marks on his back and was assaulted in her presence for about one hour, while soldiers asked neighbours if he was an LTTE member. He was then taken away. His mother inquired about him at several IPKF camps, and was allowed to see him at Chunnakam camp in the morning of 2 January 1988. He had wounds on his upper lip and ankles. She was told that her son would be released later that day. She returned in the afternoon in the hope that she could meet him, but was told to come back next morning. When she returned on 3 January,

"The sentry went in and came back in about 10 minutes and told me that my son had escaped during the night.... I said I did not believe his statement and I started crying and went home and conducted funeral services for my son that day."

A neighbour was later informed by the IPKF that Thuraiappah Jeyarajasingham was alive and held in an unspecified camp. He was told that Thuraiappah Jeyarajasingham's mother should report at the Chunnakam camp on 4 January, taking with her any documents they had given her. When she did this, the documentation was taken from her at the camp and she was again told that her son had escaped. A released prisoner told her that her son had been taken away from the camp in a jeep on 2 January 1988 by members of "Three Star" and Indian soldiers. He has not been seen since. In a letter of 4 July 1988, Major Sarabjit Singh of the IPKF informed Thuraiappah Jeyarajasingham's mother:

"After detailed investigation it is revealed that Mr T. Jeyarajasingham was released after interrogation. Since he was a supporter of the LTTE, it is likely that he may have joined the militants."

George Alexis, a carpenter, was arrested by the IPKF on 8 September 1988 after two Indian soldiers had been killed close to his home at Pandaterruppu, Jaffna District. He was seen in detention by his wife at Thottilady IPKF camp. At the time, he was being screened before a hidden informer along with many other men, and she saw him being separated from the rest with about 14 other people. He was then taken away, towards the IPKF camp at Pandaterruppu. On 10 September 1988 his relatives were told at the camp that George Alexis had been released the day before. As he had not arrived home, which is only 200 metres from the camp, they did not believe this. They were shown an entry on loose sheets of paper which recorded dates of arrest and release. George Alexis' name was there, with what the relatives were told was his thumb print by the entry regarding his release. When they pointed out that George Alexis could write and would not have signed in this way, the commanding officer said that he had been in a disturbed state of mind at the time. George Alexis has "disappeared".

Some families were given contradictory replies when inquiring about their "disappeared" children. In Vavuniya District, Thambialayah Mathiswaran was reportedly arrested by the IPKF on 31 October 1988 while on his way to school, and taken to the IPKF camp at Nedunkerny. Teachers went to the camp and were told that Thambialayah Mathiswaran would be released following investigations. This promise was repeated the following day, although on 2 November a relative was told by a major at the camp that Thambialayah Mathiswaran was ill and may have to be admitted to hospital. The next day the same major told a person inquiring on the relatives' behalf that Thambialayah Mathiswaran had been taken from the camp to help trace militants instead of being sent to hospital. On 4 November the family were told Thambialayah Mathiswaran and those who accompanied him had still not returned. On 8 November they were told that Thambialayah

Mathiswaran, who had been thought sufficiently ill to require hospital treatment a few days earlier, had escaped. This was repeated the next day. On 1 February 1989, however, the family were told by the Commandant of the IPKF in Vavuniya that their son had been released, but he did not return home. In June 1989, the Military Liaison Officer at the Indian High Commission in Colombo wrote to tell Thambaiyah Mathiswaran's father:

"Your case has been thoroughly investigated and it is confirmed that your son was never apprehended by the IPKF and that he is not in their custody."

Kathiresu Uthayanathasivam was reportedly arrested together with his brother and father on 15 May 1989 from his home at Avarangal, Jaffna District, during a reprisal raid by Indian soldiers (see above, 5.2). His father was released the next day, and his brother two days later. The family inquired about Kathiresu Uthayanathasivam at Achchuvely, Nilavari and Kankesanthurai IPKF camps; he could not be found.

"Disappearances" were also reported following arrest by the Sri Lanka Army during the period that the IPKF was present in the northeast. Those reported occurred in Mannar, Vavuniya, Trincomalee, Amparai and Batticaloa Districts.

Seenithamby Mahadeva and Kalendiran Sivaselvanathan were both arrested by Sri Lanka Army personnel on 9 October 1987 while waiting for a bus near the Hardy Institute at Kondavattavan, Amparai District. When inquiries were made about them from soldiers stationed at the Hardy Institute, it was said that they had been taken for questioning and then released. They were not seen again. Kanagarajah Marimuthu was reportedly arrested in a bus by officers from the STF on 23 April 1988. At the time, he was returning to his home in Batticaloa District. A fellow passenger saw him being taken to the Punanai camp. His relatives were told at the camp that he had been released, but he has not been seen again.

The "disappearances" attributed to Sri Lankan security forces in the northeast since the Indo-Sri Lanka accord add to the list of over 680 people in the area who "disappeared" in the custody of these forces in earlier years, and whose fate remains to be explained by the Sri Lankan authorities. Among those who "disappeared" before the arrival of Indian troops in the area were a group of refugees arrested at the Gopalapuram Refugee Camp in Nilaveli, Trincomalee District, on 19 April 1987. At midnight, the refugee camp was reportedly surrounded by Sri Lanka Army personnel, who turned out the lights and took away about 10 men and children, including Rammiah Pandaram, Francis Mariyadas, Pitchai Sivalingam and three brothers: Vairamuthu Tharmalingam, 12-year-old Vairamuthu Sivalingam and 17-year-old Vairamuthu Konalingam. They too have not been seen again. Their arrests were denied and their fate has not been clarified.

5.4 Human rights concerns in the northeast following the withdrawal of the IPKF

In December 1989 the LTTE announced the formation of a new political party, the People's Front of the Liberation Tigers, and said that it would contest provincial council elections. After the withdrawal of the Indian troops, the LTTE effectively took control of the northeastern region. In early June, however, heavy fighting between the LTTE and government forces broke out following reports that the LTTE had taken over several police stations in the east, and taken prisoner several hundred Sri Lankan police officers, many of whom they summarily executed.

Reports of new abuses by the LTTE began to reach Amnesty International in April 1990. Prisoners were reported to be held incommunicado in bunkers and camps, and people who had contested parliamentary elections in February 1989 were reported to have been detained. The prisoners were said mostly to be young men who had been members of the TNA and who had been unable to prove that they had been forcibly conscripted. The LTTE was also reported to have extrajudicially executed political rivals and to have dispensed summary justice, for example, by hanging an alleged rapist. However detailed information on these events was not forthcoming in most cases because people feared to speak out against the LTTE.

In May 1990, Amnesty International called for an immediate halt to these abuses by the LTTE, and in June it condemned the killings of captive police officers by the LTTE. In view of persistent reports over several years that Sri Lankan forces had resorted to the excessive use of force in situations of armed opposition, Amnesty International also urged the government to ensure that all possible measures be taken to protect the fundamental human rights of defenceless citizens in the northeast in those areas where government forces regained control.

6. SEEKING REMEDIES TO HUMAN RIGHTS VIOLATIONS

6.1 Domestic remedies

6.1.1 Habeas corpus

During 1988 and the first half of 1989, a large number of habeas corpus petitions were filed in the Court of Appeal on behalf of people in the south who had allegedly been illegally arrested, or who had "disappeared" following arrest [16]. Habeas corpus petitions are filed to test the legality of a prisoner's detention. The court can issue a writ of habeas corpus directing that the prisoner be produced, and can order an inquiry into the alleged imprisonment. However, the procedure has not proved effective for establishing the whereabouts of the "disappeared", nor has it curbed abuses such as arbitrary arrest and "disappearance". As habeas corpus proceedings are often subject to lengthy delay in Sri Lanka, this remedy has also failed to protect the welfare of most prisoners. Nevertheless, access to the remedy of habeas corpus -- which is guaranteed

under the Constitution -- had effectively been closed by July 1989 as lawyers and witnesses involved in such cases were murdered or threatened with death (see Chapter 2). In the first six months of 1989, over 400 habeas corpus petitions were filed; since then, very few have been filed, as lawyers fear the consequences of taking on such cases.

Article 141 of the Constitution of Sri Lanka grants the power to issue writs of habeas corpus to the Court of Appeal, which normally sits only in Colombo. The petition must be filed in Colombo, regardless of where a prisoner was arrested or "disappeared". This has reduced the effectiveness of habeas corpus petitions, as has the fact that relatively few lawyers took on these cases even before they became subject to murder and death threats. Consequently, the number of habeas corpus petitions filed represents only a small proportion of reported "disappearances" and cases of arbitrary arrest.

In order to file a habeas corpus petition, the authorities believed to be responsible for the arrest and detention of the prisoner must be identified. If an arrest has been committed by plainclothes armed men using unmarked vehicles, a habeas corpus petition will almost certainly be dismissed by the court unless there is supporting evidence to indicate that the men were security forces personnel. This may have contributed to members of the security forces resorting increasingly to operating in civilian dress and to using vehicles without number-plates or with false number-plates.

Habeas corpus proceedings are often slow and rarely result in the production of the prisoner before a court. The officials named in habeas corpus applications (the "respondents") often request several weeks to file their response, and then may deny that an arrest occurred despite individual officers being identified by witnesses. In some cases reported to Amnesty International, however, prisoners were released after a habeas corpus petition had been filed, and before the respondents had replied to the court, resulting in the case being withdrawn.

In March 1990 the Minister of State for Justice answered several questions in parliament about habeas corpus petitions filed between 27 July 1987 and 15 March 1989. He said that a total of 720 habeas corpus petitions had been filed in this period, 661 of which concerned people from southern districts. The figures for districts in the south were as follows:

Colombo District	187	Ratnapura District	34
Matara District	86	Moneragala District	2
Kalutara District	26	Kandy District	15
Hambantota District	31	Nuwara Eliya District	5
Puttalam District	13	Matale District	3
Kurunegala District	12	Gampaha District	64
Galle District	98	Anuradhapura District	14
Polonnaruwa District	50	Badulla District	2
Kegalle District	19		

The figures given for northeastern districts were:

Batticaloa District	40	Jaffna District	13
Ampara District	4	Kilinochchi District	1
Vavuniya District	1		

These figures do not accurately reflect the relative scale of arbitrary arrest and "disappearance" in different districts. Rather, they reflect in part the difficulty facing people living in more remote areas to gain access to the Colombo courts.

The Minister of State for Justice added that of the 720 applications received, only 310 had been disposed of, the outcome of which was not given. The minimum time taken to dispose of a case, he said, was eight days, while the maximum time taken was two years, three months and 17 days. In only 18 cases had the prisoner been produced before the inquiring magistrate, and in 15 cases the court ordered the production of medical reports following allegations of torture or ill-treatment, but "positive evidence of torture or assault while in the custody of police or army has not been adduced in court" (Hansard, Colombo, 7 March 1990).

Amnesty International believes that several of the 59 petitions filed on behalf of prisoners from northeastern districts concern arrests dating from before the arrival of the IPKF in July 1987. However, several petitions were also filed on behalf of prisoners detained by the IPKF as well as by Sri Lankan forces operating in the northeast after the Indo-Sri Lanka accord. One case was filed on behalf of Parameswaran Kenga, a prisoner from Vavuniya District, who was detained by the IPKF. He was arrested in Vavuniya on 5 April 1988 and was believed held at the IPKF camp in Vavuniya, although this was not acknowledged. The IPKF held prisoners without reference to any provisions of either Indian or Sri Lankan law, and the respondent in this case, the Officer in Charge of the Vavuniya camp, repeatedly refused to accept a summons to appear before the Court of Appeal in Colombo. Contempt of court proceedings were then brought against him. However, in February 1990 the habeas corpus application was withdrawn, following Parameswaran Kenga's release by the IPKF when they withdrew from the area.

6.1.2 Fundamental rights petitions

Chapter 3 of the Constitution of Sri Lanka guarantees certain fundamental human rights. Under Article 15, several of these rights can be curtailed for reasons such as national security, racial and religious harmony and the interests of the national economy. However, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, guaranteed in Article 11, cannot be curtailed, in accordance with international human rights standards.

The Constitution grants exclusive jurisdiction to the Supreme Court, which sits in Colombo, to hear cases concerning the alleged infringement of

fundamental rights. The Supreme Court has the power to grant compensation. If, in the course of hearing a habeas corpus application, the Court of Appeal believes there is evidence of an infringement of a fundamental right, it should refer the matter to the Supreme Court for adjudication.

Several fundamental rights petitions alleging torture or illegal arrest and detention have been filed. Some have been dismissed, but in others the court has awarded damages to the petitioner. Amnesty International does not know the precise number of fundamental rights cases concerning torture or other cruel, inhuman or degrading treatment which have been filed, nor does it know of any fundamental rights applications alleging torture of prisoners by the IPKF. However, the organization received numerous reports of torture inflicted by IPKF personnel.

Under Article 126 (2) of the Constitution, a fundamental rights petition must be filed within one month of the occurrence of the alleged violation. Some applications have been barred because this requirement has not been met. One former prisoner complained to Amnesty International that the prison authorities had delayed giving him the forms which a lawyer had sent, apparently to prevent him filing a petition within one month. However, in July 1989 a Supreme Court judgment broadened the scope of the one-month rule, potentially opening the way for more fundamental rights applications to be filed. In this case, illegal arrest and detention had been alleged by the petitioners, but the respondents had argued that the fundamental rights application was time-barred, calculating from the date on which the detention order had been served on the detainee. The court held that as the petitioner had no knowledge of the detention order, time could not run against him and that the entire period of detention should be considered as a single detention for which relief could be sought, thus further reducing the limitations of the one-month rule.

In some cases, the Supreme Court has awarded substantial damages to torture victims. Nihal Pathmasiri was awarded Rs 10,000 (c.£165) in October 1988. He had been assaulted in the custody of Amparai police and forced to inhale smoke from burning chillis. In July 1989, the court awarded damages of Rs 100,000 to W. Senadeera Gunatilake, a university undergraduate, for illegal arrest and detention, and torture. He had been arrested by Wennappuwa police in June 1988 while distributing leaflets and, according to press reports, had in his possession at the time a camera loaded with film, and four exposed films containing pictures of a body which had been burned on tyres at Weerahena cemetery. The police had initially denied that they held him in custody.

Some lawyers and petitioners who filed fundamental rights cases have received death threats.

6.1.3 Criminal cases against security forces officers for alleged violations of human rights

An important method of upholding human rights is for the government to ensure that all alleged human rights violations are thoroughly and

impartially investigated, and that those responsible for such violations are brought to justice.

Amnesty International does not know of a single case in which a member of the Sri Lankan security forces has been charged for human rights violations committed in northeast Sri Lanka. The Indian military authorities did discipline some IPKF members for human rights violations, including for the rape of women and male prisoners. For example, in January 1988 four Indian soldiers were discharged from the army and sentenced to one year's imprisonment for raping women. Several other IPKF members were also tried by Summary Courts Martial for rape, looting and theft. One was charged for killing seven civilians and injuring four others the day after his brother-in-law had been killed during a search operation. However, the Indian authorities failed to investigate and account for the great majority of reported human rights violations committed by their troops. They did not account for those who "disappeared" following arrest by the IPKF. They also did not investigate the alleged extrajudicial executions, including reprisal killings, and instances of torture which Amnesty International had drawn to their attention.

In southern Sri Lanka there have been public investigations into very few of the thousands of cases of extrajudicial execution, "disappearance" and torture reported since July 1987, and criminal charges have been brought against only a few members of the security forces.

One case which received particular attention was that of a lawyer, Wijedasa Liyanarachchi, who died in police custody in September 1988, apparently as a result of torture. A magisterial inquiry was held into his death. Questions were raised at the inquiry about the legality of the procedures used in his arrest and detention, and three police officers were charged with his murder. As of June 1990, their trial was still in progress.

The deaths on 23 October 1988 of three young men whose partly-burned bodies were found dumped in Wellawaya District [17] were also investigated following a public outcry. Among those charged with the murders were several members of the Ratnapura Police Force and an unsuccessful provincial council candidate for the ruling UNP who is the son of the area's Chief Minister. The accused were released on bail in January 1989 and, to Amnesty International's knowledge, had not been brought to trial by June 1990.

Some criminal cases may have to be withdrawn because witnesses have been killed or threatened. The seven police officers charged with killing a schoolboy in Teldeniya in June 1989 (see above, 2.2.5) argued that the cases against them should be dropped because the witnesses were not appearing in court. The case had not been decided by June 1990.

Another case which attracted public attention was that of 14 police officers arrested in connection with the killing of 12 prisoners at Nittambuwa in February 1990 (see above, 2.2.1). By June it was not known

whether charges would be brought against the detained police officers.

Despite several announcements by the government during 1989 that it would investigate killings by "vigilantes", none is known to have been identified and brought to trial. Results have not been published of the investigations announced, for example, into the reprisal killings in March 1989 at Eppawala, Anuradhapura District, attributed to the "Black Cats", or into the reprisal killings of between 80 and 150 villagers in Kandy District, officially attributed to the "Eagles of the Central Hills".

In the first months of 1990 the government announced the arrest of over 60 members of the security forces, most of whom had been arrested in connection with crimes such as arson, armed robbery, attempted extortion, rape, passing information to the JVP, and suspected membership of the JVP. Some were arrested as a result of murder inquiries, including the five soldiers from Kegalle who were detained in March 1990 under the PTA in connection with the murder of a brother of a UNP provincial councillor in December 1989. A few, however, were held in connection with possible extrajudicial executions. In addition, three soldiers from Bandaragama Army Camp were charged with the murder and attempted murder on 16 October 1989 of two prisoners who, the soldiers claimed, had tried to escape. According to a report on 14 March 1990 in the Sun, Colombo, one prisoner had escaped with injuries and had complained to the authorities. An investigation led to charges being brought against the suspects. The body of the prisoner who was killed has not been found.

6.1.4 Recent steps taken by the government

In May 1989, the then Minister of Higher Education, A.C.S. Hameed, appointed a committee to monitor the indictment and release of students in custody, and to investigate the cases of "disappeared" students. According to press reports, the chairperson of this committee, a retired Supreme Court Judge, would be empowered to enter places of detention and question officials. The authorities also announced special reporting procedures relating to arrests of lawyers and members of the clergy: in the case of lawyers, the procedures were intended to curb lengthy incommunicado detention. Under the procedures, the arrests of lawyers had to be communicated to their Branch Bar Association and their parents within 24 hours of arrest and the place of detention had to be communicated to their Bar Association or other authorized lawyers. The Secretary of their Bar Association was also to be granted access to the detainee at least three times a week. These procedures were not regularly followed, however.

Amnesty International welcomed the announcement of these procedural safeguards, but urged that specific safeguards against torture and deaths in custody be adopted and enforced to protect all prisoners. The procedures which the government introduced did not prove adequate to halt the torture and "disappearance" of prisoners. For example, according to the committee monitoring student arrests, 271 students had "disappeared" by the end of 1989.

In October 1989 a Presidential Commission on Youth Unrest was appointed on the recommendation of the All Party Conference. In its report, submitted to the President in January 1990, the Commission made several recommendations relating to the protection of human rights. It recommended the establishment of an Independent Surrender Committee "in order to create a climate of confidence to enable those who have taken up arms against the State to surrender". In late April 1990 the government established an Independent Surrender Committee (whose members were nominated by several political parties) with 21 district committees. According to press reports, in Denagama, Hakmana, the police announced the names of wanted suspects over loudspeakers and asked them to surrender to the committee. Those who did surrender to the authorities said they had not been involved in subversive activities, that enemies had filed petitions against them and that they "decided to surrender through fear" (Daily News, Colombo, 28 April 1990). Certificates were to be given to those who surrendered and their families stating that they had surrendered, and if released they would receive certificates to prevent rearrest.

The Commission also recommended a cessation of anti-subversive offensives by the security forces to accompany the establishment of the Independent Surrender Committee. The Ministry of Defence had announced a cessation of such actions at the time of the establishment of the Independent Surrender Committee. By that time, however, the counter-subversive offensive by the security forces had already been significantly reduced.

In addition, the Commission recommended that the state of emergency be lifted as soon as possible. Certain Emergency Regulations were lifted or replaced in February and April 1990, but the state of emergency remained in force at the time of writing in early June and wide powers of arrest and detention were still available to the security forces. In the monthly parliamentary debates on its extension, the government expressed its intention to lift the state of emergency after new legislation had been passed to deal with the thousands of prisoners who remained in detention without charge or trial. If the state of emergency was lifted before this, the government argued, those currently detained without charge would have to be released.

In October 1989, the government had appointed a one-man committee, comprising a retired Court of Appeal judge, to categorize detainees and recommend which should be released, charged or rehabilitated. At the beginning of 1990, President Premadasa appointed a Commissioner-General for Rehabilitation, Colonel Ananda Weerasekera, under provisions in the Emergency Regulations. At the same time, President Premadasa announced that those prisoners who had been only marginally involved in JVP activities would be released on probation; those whose involvement was more serious, and against whom criminal charges could be brought, would remain in detention in remand prisons until brought to trial; and those who were believed to have been involved with the JVP, but against whom no specific charges had been brought, would be kept in rehabilitation camps and would undergo a rehabilitation program. It is not known what provisions will be

introduced to keep this last category of prisoner in rehabilitation camps if the emergency is lifted.

In March 1990 the government said that 14,000 prisoners were being detained under Emergency Regulations. The Minister of State for Defence told parliament that he expected about 5,000 of these to be sentenced to long-term imprisonment. The release of several batches of prisoners was announced and by the end of April a total of 12,944 prisoners remained in detention (Sunday Island, Colombo, 29 April 1990). Of these, 8,424 were described as "detainees" held at various detention camps, police stations and prisons, and 4,520 as "surrendeers" held in 14 rehabilitation camps. Most of the "surrendeers" are believed to be people who surrendered to the security forces at various times after the state of emergency was reimposed in June 1989. According to the report, a further 39 people had surrendered to the newly-created Independent Surrender Committee. By the end of May, approximately 300 people had surrendered to the Independent Surrender Committee.

In May members of the District Inquiry Committees set up to screen and classify those who had surrendered for release, criminal charges or rehabilitation complained to the Independent Surrender Committee that they faced difficulty in obtaining police and intelligence reports relating to the surrendered prisoners, with the result that they could not rule on their cases. The Independent Surrender Committee announced the creation of additional District Inquiry Committees, and anticipated that the screening would be completed by the end of June 1990. By June, the government had still not made public the names of all the detainees, nor where each prisoner was held.

The Presidential Commission on Youth Unrest also recommended that urgent steps be taken to disarm illegal paramilitary organizations and "vigilante groups". In late January the Ministry of Defence announced that all provincial council and parliamentary candidates who had been issued with weapons by the government before the elections should return them by 1 March, and that elected members of parliament and provincial councillors should return those weapons which were "in excess of their requirements". By mid-May, however, only 1,728 weapons had been returned to the government out of the 6,143 weapons issued and due to be returned. After the killing of Richard de Zoysa in February 1990 (see above, 2.2.1) the Minister of State for Defence also announced that no arrests would be permitted "for security reasons" without the authority of the Defence Secretary, the Inspector General of Police or the Army Commander, and that arrests at night would not be permitted.

The Commission further recommended that the fundamental rights jurisdiction of the Supreme Court be strengthened. This issue was under discussion at the All Party Conference in late May 1990.

6.2 International remedies

The UN Commission on Human Rights has given consideration to the human rights situation in Sri Lanka for several years, but its overall scrutiny of the country has failed to produce action which has reduced the level of human rights violations there. In March 1987, the Commission adopted Resolution 1987/61 on the situation in Sri Lanka. It called upon all parties to the conflict to respect the universally accepted rules of humanitarian law, to renounce the use of force and violence and pursue a negotiated political solution, and invited the government to invite the International Committee of the Red Cross to the country to fulfil its functions of protection of humanitarian standards.

Sri Lanka has also been subject to scrutiny under several of the UN theme mechanisms, as described below.

6.2.1 The UN Working Group on Enforced or Involuntary Disappearances

The UN Working Group on Enforced or Involuntary Disappearances was set up in 1980 by the UN Commission on Human Rights to gather information on "disappearances" worldwide and to respond to this information. It has requested information from the Government of Sri Lanka on reported "disappearances" since 1981. In 1986 the Working Group reported that the Government of Sri Lanka had clarified only three of the 194 cases of "disappearance" transmitted by the Working Group in 1985, although it had responded in nine cases.

By the end of 1989, the Working Group had transmitted 936 cases of reported "disappearances" to the Government of Sri Lanka, of which it considered 901 as remaining unclarified. The government had responded on 232 cases, but had only clarified 14 to the satisfaction of the Working Group. Of these, 11 prisoners had been released and three were in detention. The Working Group had received clarification of a further 21 cases from non-governmental sources (Report of the UN Working Group on Enforced or Involuntary Disappearances, E/CH.4/1990/13, 24 January 1990). (The majority of reported "disappearances" submitted to the government by the Working Group by the end of 1989 were from the northeast of Sri Lanka and included "disappearances" in that area attributed to both the Sri Lanka security forces and the IPKF. The Working Group submitted only 33 cases of "disappearance" to the government in 1989, a very small proportion of the total number of cases.)

At its 28th session, held from 28 August to 1 September 1989, the Permanent Representative of Sri Lanka to the UN Office at Geneva informed the Working Group that the Government of Sri Lanka had no objection to the Working Group visiting the country. It is expected that this invitation will be taken up in 1990.

Amnesty International welcomes the Government of Sri Lanka's invitation to the Working Group to visit Sri Lanka. The organization considers the granting of access to UN and international human rights

groups to be an important element in the prevention of human rights violations.

6.2.2 The UN Special Rapporteur on Torture

The UN Special Rapporteur on Torture has also raised several reported cases of torture and deaths in custody with the Sri Lankan Government, including cases for which the IPKF were held responsible as well as those attributed to the Sri Lankan security forces. In 1989 the Government of Sri Lanka responded to questions on three specific cases raised that year of prisoners who had reportedly been tortured in the south, but provided no detailed information to support or refute the allegations. It also responded to the allegation that two of six Tamil men who had been forcibly returned to Sri Lanka from the United Kingdom had been arrested on their return and tortured. It confirmed that the men had been arrested and questioned by the Criminal Investigation Department, but denied that they had been ill-treated.

6.2.3 The UN Special Rapporteur on Summary and Arbitrary Executions

The UN Special Rapporteur on Summary and Arbitrary Executions has repeatedly raised reported cases of possible extrajudicial execution with the Government of Sri Lanka. In 1990 the Special Rapporteur raised several individual extrajudicial executions and reprisal killings reportedly committed by the IPKF or the Sri Lankan security forces. In July 1989 the Government of Sri Lanka informed the Special Rapporteur that it was conducting investigations into the killing of the lawyer Charitha Lankapura (see above, 2.2.5), but it did not comment on the other killings raised by the Special Rapporteur. The Special Rapporteur also appealed to the government to protect the lives of the lawyers Kanchana Abhayapala, Prins Gunasekara and Parakrama Ranasinghe after they had received death threats (see above, 2.2.5). In its response, the government stated that neither Kanchana Abhayapala nor Prins Gunasekara had asked for protection, and that they would provide it if they received such a request. Kanchana Abhayapala was killed shortly afterwards.

6.2.4 The International Committee of the Red Cross

In October 1989 the Government of Sri Lanka announced that the International Committee of the Red Cross (ICRC) would be given access to prisoners in Sri Lanka. Since then, an ICRC delegation has been in the country, visiting places of detention in the south, seeking to trace missing people, providing medical and humanitarian aid and disseminating information about the rules of war to the various parties to the conflict. In accordance with its established practice, the ICRC maintains strict confidentiality relating to its activities on behalf of prisoners.

Amnesty International welcomed the government's decision to grant access to the ICRC.

7. Amnesty International's Relations with the Government of Sri Lanka

An Amnesty International delegation last visited Sri Lanka in 1982. Subsequently, the organization's requests to send delegates to Sri Lanka have been refused. Despite an assurance given by President Junius Richard Jayewardene during a broadcast on the World Service of the British Broadcasting Corporation in February 1988 that Amnesty International could have "free access" to the island, the organization was later informed that its delegation could not be received "at this stage". Amnesty International again requested to visit Sri Lanka in January 1989, after the election of President Ranasinghe Premadasa. In July 1989 the organization was informed that the president "will be pleased if the proposed visit of the delegation is postponed for the time being". Amnesty International has received no reply to its further request, made in January 1990, to meet the government to discuss its human rights concerns.

The Government of Sri Lanka has only rarely responded to any of the concerns which Amnesty International has raised since 1982. Similarly, the Government of India has not replied to Amnesty International about the concerns raised on human rights violations committed by the IPKF in Sri Lanka.

8. CONCLUSIONS AND RECOMMENDATIONS

Sri Lankans, especially those in the south, have experienced in recent years the most widespread and severe violations of human rights in the history of their island since it gained independence in 1948. Thousands are reported to have been extrajudicially executed or to have "disappeared". At the time of writing in early June, the pattern of gross and widespread human rights violations in the south had reduced in intensity, although political killings continued to be reported. In addition the government had taken several steps to curb the continuation of human rights violations. In the northeast, however, an upsurge in violence and human rights abuses was giving increased cause for concern.

Amnesty International believes that the measures taken by the government so far to improve the human rights situation, outlined in Chapter 6, are a first step and must be reinforced by the institutionalization of further safeguards to ensure that there can be no continuation of human rights violations. These safeguards must be implemented and rigorously enforced throughout the island to ensure that the rights of all Sri Lankan citizens are protected.

In making the following recommendations, Amnesty International reiterates its belief, which is supported by international human rights standards, that extrajudicial executions, "disappearances" and torture can never be justified, even when armed opposition groups resort to widespread violence, as has been the case in Sri Lanka. It believes that resorting to excessive measures to counter violence often contributes to an escalation rather than a reduction of conflict and violations of human rights.

8.1 Safeguards against extrajudicial executions

On 24 May 1989 the UN Economic and Social Council adopted the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The principles were endorsed by the UN General Assembly on 15 December 1989 by Resolution 44/162. Principle 1 notes that extrajudicial executions "shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict". Under Principle 1, extrajudicial executions cannot be justified by the existence or threat of a state of war, nor by internal political instability or public emergency.

1. Amnesty International recommends that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions be fully implemented and enforced in Sri Lanka. This would require amendment of Emergency Regulations, still in force as of June 1990, which facilitate the secret disposal of bodies of people who die in custody, and do not provide for a full, public investigation of such deaths [18]. New procedures would also have to be adopted.

The Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions provide numerous safeguards against extrajudicial execution, including the following:

- Governments shall ensure strict control, including a clear chain of command, over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as over all officials authorized by law to use force and firearms (Principle 2);

- Governments shall prohibit orders from superior officers or public authorities authorizing or inciting others to carry out extrajudicial executions, and all persons shall have the right and duty to defy such orders (Principle 3);

- Effective protection shall be guaranteed to individuals and groups in danger of extrajudicial execution, including those who receive death threats (Principle 4);

- Governments must ensure that all prisoners are held in officially recognized places of custody, and that accurate information on their whereabouts, including transfers, is made promptly available to their relatives and lawyer (Principle 6);

- Qualified inspectors, including medical personnel or another independent authority, shall regularly inspect places of custody, with unrestricted access to all prisoners and their records, and be empowered to undertake unannounced inspections on their own initiative (Principle 7);

- Governments shall make every effort to prevent extrajudicial executions through measures such as diplomatic intercession, improved

access of complainants to intergovernmental and judicial bodies and public denunciation. Governments shall fully co-operate in international investigations of extrajudicial executions, including governments of countries where such executions are reasonably suspected to occur (Principle 8).

With regard to the investigation of extrajudicial executions, the Principles include the following recommendations:

- All suspected cases of extrajudicial execution shall be thoroughly, promptly and impartially investigated, and governments shall maintain investigative offices and procedures to conduct such inquiries. The investigation shall determine the cause, manner and time of death, the person responsible and any pattern or practice which may have brought about the death. It shall include an adequate autopsy, analysis of all physical and documentary evidence and statements from witnesses (Principle 9);

- The investigative authority shall be empowered to obtain all the information necessary to the inquiry, and to oblige witnesses and officials allegedly involved in extrajudicial executions to attend and give evidence (Principle 10);

- Where there is a persistent pattern of abuse governments shall establish an independent commission of inquiry or similar procedure. The members of the commission shall be independent of any institution, agency or person that may be the subject of the inquiry and shall have the power to obtain all the information necessary to the inquiry (Principle 11);

- The body shall not be disposed of until an adequate autopsy is conducted, and those conducting the autopsy shall have access to all investigative data and to the places where the body was discovered and where the death is thought to have occurred. If the body has been buried and an investigation is later required, the body shall be promptly and competently exhumed for an autopsy (Principle 12);

- Those conducting the autopsy must be able to function impartially and independently of any potentially implicated individuals or organizations or entities (Principle 14);

- Complainants, witnesses and those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those implicated in extrajudicial executions shall be removed from positions of power or control, whether direct or indirect, over complainants, witnesses and their families, and investigators (Principle 15);

- The relatives of the deceased and their legal representatives shall be informed of, and have access to, any hearing and to all information relevant to the investigation, and shall be entitled to present other evidence. The family shall have the right to insist that a medical or other qualified representative be present at the autopsy. When the

identity of a deceased person is established, the relatives shall be informed immediately. The body shall be returned to the relatives upon completion of the investigation (Principle 16);

- A written report on the scope, procedures, methods, conclusions and recommendations of the investigation shall be made within a reasonable period of time. It shall give details of the specific events found to have occurred, the evidence on which the findings were based, and the names of witnesses who testified, except those whose identities are withheld for their own protection. The Government shall reply to the report within a reasonable period or indicate the steps to be taken in response (Principle 17).

Finally, the Principles recommend legal procedures to be followed when participants in extrajudicial executions have been identified:

- Governments shall ensure that participants in extrajudicial executions are brought to justice (Principle 18);

- An order from a superior officer or a public authority may not be invoked to justify extrajudicial executions. Senior officers or public officials may be held responsible for the acts of their subordinates if they had a reasonable opportunity to prevent such acts. In no circumstances shall blanket immunity from prosecution be granted to any person allegedly involved in extrajudicial executions (Principle 19);

- The families and dependants of victims shall be compensated within a reasonable period of time (Principle 20).

2. Amnesty International recommends that all law enforcement personnel be thoroughly trained in the UN Code of Conduct for Law Enforcement Officials, and that these standards be rigorously enforced, particularly with regard to regulation of the use of force.

8.2 Safeguards against "disappearance" and torture

Several of the safeguards against extrajudicial executions recommended above also contribute to the prevention of "disappearance" and torture. Additional safeguards should also be fully implemented to protect against the continuation of these abuses, in accordance with further internationally recognized human rights instruments. These include the UN Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International makes the following specific recommendations:

3. That the Sri Lankan Government should initiate prompt and impartial investigations to clarify the whereabouts or fate of all those reported to have "disappeared" in Sri Lanka, regardless of when or where the

"disappearance" occurred. As there has been a persistent and widespread pattern of "disappearances" in the country, the government should establish an independent commission of inquiry to investigate "disappearances". This should have the same powers and protection as recommended above for the commission of inquiry into extrajudicial executions. Witnesses and their families should also be given effective protection against violence and intimidation.

4. That the government should initiate prompt and impartial investigations into reports of torture, the results of which should be made public.

5. That in cases where there is evidence of their participation in or responsibility for "disappearances" and torture, security forces personnel and other public officials should be brought to justice.

6. That torture victims and relatives of victims of "disappearance" should be given adequate compensation. Torture victims should also receive medical rehabilitation if necessary.

7. That the government should introduce legislation to ensure that detainees and all those arrested are brought promptly before a magistrate. The normal rule in Sri Lanka is that those arrested must be brought before a magistrate within 24 hours.

8. That the government should introduce and enforce strict limits in law on incommunicado detention, and ensure that all those arrested or detained are granted immediate and regular access to relatives, lawyers and medical doctors, with whom they should be able to communicate in private.

9. That the government should introduce and enforce legislation to strictly separate authority over detention and interrogation -- detainees subjected to torture are often held in custody and interrogated by the same agency.

10. That the government should introduce legislation to ensure that prisoners may only be held in publicly recognized places of detention.

11. That special measures should be provided to protect women and children in custody, so that women may only be interrogated in the presence of a female officer and children may not be questioned other than in the presence of a parent or guardian.

12. That all law enforcement personnel should be instructed in the prohibition of torture, and be thoroughly versed in the UN Code of Conduct for Law Enforcement Officials.

13. That the cruel, inhuman or degrading treatment of all prisoners should be prohibited in law, including keeping detainees blindfolded for long periods and holding them in chains and ankle-irons.

14. That the government should ratify or accede to the UN Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the First Optional Protocol to the International Covenant on Civil and Political Rights.

9. NOTES

1. Emergency Regulations provide for indefinite detention without charge or trial on renewable detention orders; the Prevention of Terrorism Act provides for up to eighteen months' detention without charge or trial on renewable detention orders.
2. See AI reports Sri Lanka: "Disappearances", AI Index: ASA 37/08/86, September 1986; Sri Lanka: Recent Reports of "Disappearances" and Torture, AI Index: ASA 37/09/87, May 1987; Sri Lanka: What Has Happened to the "Disappeared"?, AI Index: ASA 37/02/88, June 1988.
3. See Sri Lanka: Emergency Regulations Regarding Post-Mortems and Inquests, AI Index: ASA 37/05/90.
4. In October 1982 President Junius Richard Jayewardene won the first presidential election held under the 1978 Constitution. In December 1982 a national referendum -- which was widely reported to have been accompanied by extensive intimidation -- approved a government proposal to extend the life of the parliament elected in 1977, without holding a general election, for a further six years from August 1983. Previously, the government of Sirimavo Bandaranaike had extended its life without an election through the adoption of the 1972 Constitution, which extended that government's term by two years.
5. Amnesty International's concerns following the April 1971 insurrection are described in Report on a Visit to Ceylon, September 1971, 2nd edition 1976.
6. The DJV claimed responsibility for some of the killings which in this report are described as JVP killings. The DJV has often been described as the "military wing" of the JVP, but it is not clear how much of a separate existence it had from the JVP. A distinction is not maintained between the DJV and the JVP in this report.
7. The Human Rights Committee is the body established under the International Covenant on Civil and Political Rights (ICCPR) to monitor implementation of the Covenant's provisions.
8. Amnesty International uses the term "extrajudicial executions" to describe unlawful and deliberate killings carried out by governments or with their acquiescence. These killings take place outside any legal or judicial framework. They are not accidental or "panic" killings by law enforcement officials and are distinct from killings which occur as a direct consequence of a violent engagement between parties to an armed conflict -- for example, the killing of civilians in cross-fire. However, Amnesty International does consider as an extrajudicial execution the deliberate killing during an armed encounter of any individual manifestly defenceless, including combatants incapacitated by wounds or who have surrendered.

9. Amnesty International is aware of several members of the security forces who have stated their abhorrence of the counter-insurgency tactics employed.

10. PRRA's name began to be used earlier. For example, the killing of H.E. Dayananda in Colombo in December 1988 was attributed to the PRRA.

11. In April 1989 the Supreme Court awarded compensation to Rohana for having been tortured, an infringement of his fundamental rights under the Constitution of Sri Lanka. Amnesty International is not aware of criminal charges having been brought against any security forces officers in connection with this crime.

12. Amnesty International described this case in Sri Lanka: Continuing Human Rights Violations, AI Index: ASA 37/04/89, May 1989. See also Sri Lanka: Reports of Extrajudicial Executions, AI Index: 37/21/89, December 1989.

13. The Constitution of Sri Lanka guarantees the protection of certain fundamental rights. When these rights are allegedly violated, victims can seek remedy by filing petitions before the Supreme Court.

14. Amnesty International has described several further reported reprisal killings in Sri Lanka: Reports of Extrajudicial Executions, AI Index: 37/21/89, December 1989.

15. Further instances of reported human rights violations committed by the IPKF and allied Tamil groups were described by Amnesty International in India: A Review of Human Rights Violations, AI Index: ASA 20/02/88, August 1988; Sri Lanka: Continuing Human Rights Violations, AI Index: ASA 37/04/89, May 1989; Sri Lanka: Reports of Extrajudicial Executions, AI Index: ASA 37/21/89, December 1989.

16. Several habeas corpus petitions were also filed on behalf of prisoners who "disappeared" in the northeast both before and after the Indo-Sri Lanka accord.

17. See Amnesty International Report 1989.

18. See Sri Lanka: Emergency Regulations Regarding Post-Mortems and Inquests, AI Index: ASA 37/05/90, March 1990.

10. LIST OF ABBREVIATIONS

CID	Criminal Investigation Department
DIG	Deputy Inspector General of Police
DJV	<u>Deshapremi Janatha Viyaparaya</u> , Patriotic People's Movement
EPRLF	Eelam People's Revolutionary Liberation Front
ICCPR	International Covenant on Civil and Political Rights
IPKF	Indian Peace Keeping Force
JVP	<u>Janatha Vimukthi Peramuna</u> , People's Liberation Front
LTTE	Liberation Tigers of Tamil Eelam
OIC	Officer-in-Charge (of a police station)
NSSP	<u>Nava Sama Samaja Pakshaya</u> , New Socialist Party
PTA	Prevention of Terrorism Act
SLFP	Sri Lanka Freedom Party
SLMP	<u>Sri Lanka Mahajana Pakshaya</u> , Sri Lanka People's Party
STF	Special Task Force
TNA	Tamil National Army
TULF	Tamil United Liberation Front
UNP	United National Party
USA	United Socialist Alliance

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**SRI LANKA: EXTRAJUDICIAL EXECUTIONS, 'DISAPPEARANCES' AND TORTURE,
1987 TO 1990**

**Gross and widespread human rights violations reached crisis levels in Sri Lanka
in the late 1980s.**

**In the south thousands of people were killed in 1988 and 1989 by government
security forces and "death squads" apparently connected with them who were
responsible for a mounting toll of extrajudicial executions. The torture of
prisoners by the security forces was widely reported; in some cases such torture
led to prisoners' deaths. Thousands of people "disappeared" after being detained
by the security forces — many are believed to have been killed and their bodies
dumped or secretly cremated. Most remain unaccounted for.**

**In the northeast numerous extrajudicial executions were committed between
1987 and 1989 by Indian troops and members of Tamil groups allied to them. At
least 55 people "disappeared" in the region following arrest by the Indian Peace
Keeping Force or Sri Lankan security forces.**

**As this report shows, after the introduction of emergency powers and other
legislation to combat widespread violence by armed opposition groups,
government security forces acted as if they could commit gross human rights
violations with impunity. It describes some of the thousands of cases of
extrajudicial executions, "disappearances" and torture that have been recorded
by Amnesty International.**

**The report also contains Amnesty International's recommendations to the
government to prevent future violations of human rights in Sri Lanka.**

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