EXTERNAL

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SRI LANKA:

CURRENT HUMAN RIGHTS CONCERNS AND EVIDENCE OF EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES

July 1983 - April 1984

I. Review of Amnesty International's Current Human Rights Concerns in Sri Lanka, July-December 1983

II. Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July-November 1983

III. Reports of Extrajudicial Killings by the Security Forces during March and April 1984

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SRI LANKA: CURRENT HUMAN RIGHTS CONCERNS AND EVIDENCE OF EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES

Introduction

Amnesty International is now making public two documents it sent to President J.R. Jayewardene on 14 February 1984: a Review of Amnesty International's Current Human Rights Concerns in Sri Lanka, July - December 1983 (Document 1) and Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983 (Document 2). It is also making public a third Amnesty International document, Reports of Extrajudicial Killings by the Security Forces during March and April 1984 (Document 3). These documents deal with the following:

1) persistent reports of extrajudicial killings by the security forces in Sri Lanka since 1981 and especially after the events of 23 July 1983;

2) the killings of 53 Tamil political prisoners on 25 and 27 July 1983 in Welikada Prison and the questions they raise about the safety of remaining political prisoners;

3) the arrest and detention of political prisoners under the Emergency Regulations and the Prevention of Terrorism Act (PTA).

Violations of human rights in Sri Lanka continue to be reported to Amnesty International, notably of the right to life, the right not to be tortured and the right not to be subjected to arbitrary arrest and detention. On pages 12, 15, 18 and 19 of the Review of Amnesty International's Current Human Rights Concerns in Sri Lanka (Document 1) it details measures which it has recommended that the government adopt urgently in order to prevent these violations. If implemented, such measures would be in line with Sri Lanka's international commitments under the International Covenant on Civil and Political Rights. Sri Lanka is a party to the Covenant and recently re-affirmed its commitments before the Human Rights Committee in November 1983 when its representative stated: "It has been and still was the government's duty to protect the right to life and other fundamental rights of all people in Sri Lanka".*

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* Human Rights Committee, Summary Record of the 477th meeting, CCPR/C/SR477, paragraph 5.

Referring in the same document to events in the north of Sri Lanka where some members of the Tamil minority have demanded a separate state, demands which have also been accompanied by violence, including killings of members of the security forces by Tamil extremist groups, Amnesty International acknowledged that the government has faced serious problems of internal security. In the context of this extremist violence it stated also that

> "Amnesty International, as a matter of principle, condemns the killing or torture of individuals detained by anyone and recognizes that the Sri Lanka Government has a responsibility to bring to justice those against whom there is evidence of involvement in violent acts."

At the same time, however, Amnesty International believes that violations of human rights by the security forces, particularly of the right to life, can never be justified and it has asked the government to show a commitment to protect human rights in Sri Lanka by implementing a number of recommendations, including:

- that the government take firm measures to halt further extrajudicial killings by the security forces, these measures should at the very least include the institution of full and impartial investigations into all extrajudicial killings reported since July 1983, and the taking of appropriate measures, including criminal proceedings, against those found to be responsible. At the same time, Amnesty International recommended that the government immediately suspend Emergency Regulation 15A, which allows for disposal without inquest proceedings of dead bodies, and which Amnesty International believes facilitates the occurrence of extrajudicial killings. Amnesty International also recommended that the government issue uncompromising directives that no extrajudicial killings will be tolerated and that all members of the security forces be trained and made aware of relevant international human rights standards, especially the United Nations Code of Conduct for Law Enforcement Officials;

- that, as a means to protect the future safety of political detainees, the government order a full and impartial investigation into the killings of 53 political prisoners held under the Prevention of Terrorism Act in July 1983; and

- that a series of measures be implemented to restrict the wide powers of arrest and incommunicado detention provided for by the Prevention of Terrorism Act, so as to bring them in line with Sri Lanka's obligations under the International Covenant on Civil and Political Rights.

To Amnesty International's knowledge none of these recommendations, nor any of those submitted previously in a Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982, July 1983 (and attached to these documents in Appendix B), have been implemented.

Amnesty International knows of no criminal prosecutions of officials believed to have been responsible for extrajudicial killings in Sri Lanka since July 1983, not even in respect of the 51 such killings in late July 1983, for which the government itself has acknowledged responsibility* (see Document 1, page 7). Furthermore, extrajudicial killings have not been officially condemned: the government has merely stated that it "does not condone" such killings of unarmed civilians; in other cases, it has sought to justify them, by stating that civilians were killed during an "exchange of fire" with "terrorists", without however permitting inquest proceedings to be held. And, despite repeated appeals from international human rights bodies such as the International Commission of Jurists and Amnesty International, and from regional organizations concerned with the protection of human rights such as Lawasia, the government has failed to order independent investigations into the reports of extrajudicial killings. Nor has it repealed the dangerous provisions of Emergency Regulation 15A which, as described in the following documents, permit the security forces to dispose of dead bodies without inquest or post mortem procedures and facilitate the type of extrajudicial killings of which evidence is presented

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* Lawasia, in its report, The Communal Violence in Sri Lanka, July 1983, Report to the Lawasia Human Rights Standing Committee, by Patricia Hyndman, finalized on 7 February 1984, recorded:

> "The public servants whom I asked whether the security forces would be disciplined for their complicity in the violence said that there had been complicity but the government was unable to take steps to discipline the army or the police at the moment as the security forces were needed to maintain law and order and that in any case it was very difficult to allocate responsibility for what had happened."

Amnesty International, in a letter to President Jayewardene of 14 February 1984, presenting Documents 1 and 2, asked to be informed

> "as to the current stage of proceedings against the 75 people Your Excellency announced on 12 January 1984 would be charged with murder in connection with the July communal violence and whether those 75 who have been or will be charged include army personnel alleged to be responsible for the 51 killings of members of the Tamil minority in and around Jaffna in July."

It received no reply to its request.

in the following documents.* On the contrary, the government now reportedly plans to make abolition of certain inquest proceedings into deaths caused by the security forces part of the permanent law of the land through a proposed amendment to the Prevention of Terrorism Act (see below).

1) Amnesty International's findings in respect of reports of extrajudicial killings during 1983 and 1984

In Part A of the Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983 (Document 2) Amnesty International presents 43 accounts by witnesses as evidence for its conclusion that nearly all 51 killings of Tamil civilians by the Sri Lankan security forces in late July 1983 in the Jaffna district were "deliberate shootings of unarmed civilians apparently in retaliation for the killings of 13 soldiers in the night of 23 July 1983". There is evidence to suggest also that the six cases of killings by the security forces between August and November 1983 (described in Part B of Document 2) include instances of extrajudicial executions and at least warrant further investigation by an independent body, especially since no inquest proceedings have been permitted in any of the cases.

In the Review of Amnesty International's Current Human Rights Concerns in Sri Lanka (Document 1), Amnesty International expressed deep concern about the apparent absence of firm initiatives by the government to halt these killings, and stated its fears that further killings might take place.

In March and April 1984 Amnesty International did in fact receive reports of renewed extrajudicial killings in Sri Lanka. In Reports of Extrajudicial Killings by the Security Forces during March and April 1984 (Document 3), it summarizes evidence received about killings in the Jaffna peninsula on 28 March and from 9-12 April 1984. No inquests are known to have been held into any of the deaths.

In respect of the killings on 28 March 1984, Amnesty International has concluded that there is strong evidence that the seven people shot dead in Chunnakam and the one man later shot dead in a shop at Mallakam died as a result of deliberate random shootings by air force personnel. This conclusion is based on eye-witness accounts received by the organization and other reports included in Document 3.

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* On page 11 of Document 1 Amnesty International observes:

> "By permitting the disposal of dead bodies in secret and by suspending the requirement to hold inquests, the effect of Emergency Regulation 15A is to absolve members of the armed services from legal liability through prosecution in the courts for extrajudicial killings,...., and to create the impression that civilians can be killed by the security forces with impunity."

The evidence of extrajudicial killings is presented in Documents 2 and 3.

Estimates of the number of people killed by the security forces in the Jaffna peninsula between 9 and 12 April 1984 vary widely: the range is from 32 to 234; official reports have ranged between 32 and "over fifty". As shown by some of the photographs attached to these documents, identification of the dead is difficult as the army is reported to have burned the bodies of several people they are alleged to have killed. Available details about the number and nature of the killings which took place between 9 and 12 April have been included in Document 3 but do not, at this stage, permit Amnesty International to draw definite conclusions about the legality or otherwise of these killings in all cases. However, there are grounds to fear that extrajudicial killings may have been perpetrated by the authorities between 9-12 April 1984.

2) The lack of safety of political detainees after the July 1983 Welikada Prison killings

Equally, in respect of the killings of 53 political detainees in Welikada Prison last July, described on pages 13-15 of Document 1, Amnesty International is concerned that the government appears not to have taken the necessary steps to prevent a repetition of such an incident and thus safeguard the lives of people who are now political detainees. Amnesty International believes that the government must order a comprehensive inquiry into the circumstances of the killings and bring to justice any of those identified as responsible for them. According to an ICJ delegate who met President Jayewardene in January 1984, the President was at the time reportedly about to nominate a Supreme Court judge to hold such an independent inquiry. However, as of 1 June 1984, the government had not announced any such plans.*

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* In Sri Lanka, a Mounting Tragedy of Errors, International Commission of Jurists, London, March 1984, page 79, the author reports in respect of the killings in Welikada Jail:

> "When I saw President Jayewardene in Colombo in January, I understood that he was about to appoint a Judge of the Supreme Court to carry out an independent judicial inquiry into the significant and relevant incidents and events surrounding that tragedy, to establish whether any of the prison officers were to blame and to recommend what steps should be taken to prevent the recurrence of such incidents. As this report goes to press, that enquiry has not yet been officially announced...."

3) Arrests and detentions under the Prevention of Terrorism Act and Emergency Regulations: the suspension of the right to habeas corpus and other legal safeguards in proposed amendments to the Prevention of Terrorism Act

In its letter to President Jayewardene of 14 February 1984, Amnesty International welcomed reports of members of the opposition parties detained without trial under Emergency Regulation No.17 being released during 1983. However, arrests under the Prevention of Terrorism Act have continued: Amnesty International estimates that 170 people were arrested under the PTA between July and the end of December 1983, and, although a number of them have been released, dozens more are reported to have been arrested since. On 12 April 1984 Reuters reported the Minister of National Security as stating that "a large number of suspected guerrillas had been taken in by the security forces in the past two weeks"; he apparently declined to give details. Unofficial estimates have put the number of arrests during April at several hundred.

Amnesty International has received complaints from families that they are unable to trace the whereabouts of relatives recently arrested under the Act's provisions. According to reports from Batticaloa during February and March 1984, when police could not find alleged suspects at home they arrested their wives instead.

Amnesty International is particularly concerned about the arrests under the PTA because the Act permits important departures from normal legal safeguards which could facilitate torture and other serious human rights abuses.* Amnesty International is concerned, too, about recently proposed amendments to the Act which would drastically increase the powers of the armed forces: the organization believes that, if implemented, they could facilitate further serious abuses of human rights. According to the Colombo daily, Sun, of 28 March 1984, the amendments would "enable the armed forces to arrest any persons without a warrant", with those held to be handed over to the police within 24 hours of arrest (previously only the police had such powers of arrest under the PTA). The armed forces would also be given powers under the Prisons Ordinance "to escort prisoners or terrorists, guard any place and assist to quell any disturbance in prisons".

Two measures reportedly proposed in the amendment are especially disturbing.

- One would deny arrested people the right of access to lawyers "until the completion of the investigations" and so suspend the right of habeas corpus. According to the Sun report, a government spokesman had stated that the amendment"is to be introduced in a bid to prevent terrorists being

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* See Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982, July 1983, pages 17-18.

produced in courts and interviewed by lawyers in habeas corpus applications which the government considers as an unnecessary exercise". The suspension of the right of habeas corpus in Sri Lanka would be a further major departure from Sri Lanka's traditional respect for the principle of the rule of law. Moreover, it would be a violation of the right specified in Article 9(4) of the International Covenant on Civil and Political Rights:

> "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."

- The second disturbing measure is the proposed amendment to the effect that "If any person dies during an arrest or the prevention of a commission of an offence by the armed forces or police an inquest into the death of such persons will not be held as stipulated in the Code of Criminal Procedure.*

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* An inquest is a procedure whereby a magistrate or an official "inquirer" shall hold an inquiry as to the cause of death. In Sri Lanka the procedures to be followed at "Inquests of Deaths" are described in Chapter XXX, Articles 369-373, of the Code of Criminal Procedure. Under Article 370 of the Code of Criminal Procedure Act various categories of deaths, including that of a person who "has died suddenly or from a cause which is not known", are to be reported to an "inquirer" who shall immediately go to where the body is and draw up a report on the apparent cause of death. The report must be forwarded to the nearest magistrate, who, if he believes there is a "reasonable suspicion that a crime has been committed", must either order criminal proceedings to take place or an inquest to be held. Such an inquest may be carried out either by an "inquirer" or by the magistrate himself under powers given to him under Section 9(b)(iii),

> "to inquire into all cases in which any person shall die in any prison....or shall come to his death by violence....or when death shall have occurred suddenly, or when the body of any person shall be found dead without its being known how such person came by his death."

(The magistrate must conduct the inquest himself in cases of death in police custody or prison.) In either case, the official holding the inquest has powers to compel witnesses to attend, produce documents, etc. The evidence is to be recorded and the findings described in accordance with the procedures set out in the Code of Criminal Procedure. The inquest must be in public, except on specific grounds of "public policy or expediency".

(Instead only a post mortem is proposed, with its report to be submitted to the Attorney General, who, "if necessary", will direct the magistrate to hold an inquest.)* A similar provision, authorizing the police to take possession of bodies and to dispose of them without an inquest, is currently in force under Emergency Regulation 15A and has, as described in pages 9-12 of Document 1, been repeatedly criticized by Amnesty International as facilitating extrajudicial killings by the security forces. Referring to the same Emergency Regulations, a member of the Human Rights Committee observed it was "a questionable provision, which could open the door to all kinds of abuses and violations of the Covenant".

Amnesty International has reiterated these various concerns to the Government of Sri Lanka in a series of communications in 1984 but has received no reply. No response was received to the organization's letter of 14 February to President Jayewardene and to other government ministers, presenting the Review of Amnesty International's Current Human Rights Concerns in Sri Lanka, July - December 1983 and the Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983. Nor did Amnesty International receive a response to its telex messages dated 30 March and 24 April to President Jayewardene, in which it expressed concern about renewed reports of extrajudicial killings in the Jaffna peninsula during March and April 1984.

In a further attempt to elicit a response from the government, Amnesty International wrote to the Sri Lanka High Commissioner in London on 3 April 1984 requesting that, in view of the urgency of the matter, the government respond by 10 April 1984 to Amnesty International's expressed concerns. The High Commissioner informed Amnesty International that all the communications had been forwarded to the President's office and to the Foreign Office. No response had been received from the Sri Lanka Government to any of these communications as of 1 June 1984.

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* A post mortem examination is one by a medical expert on the body to determine the cause of death. Section 373 of the Code of Criminal Procedure Act provides for the judicial official holding the inquest to request that such an examination be carried out by the Government Medical Officer or any other medical practitioner. The post mortem report is to be submitted to the magistrate or the "inquirer" holding the inquest. This is only one facet of the evidence produced at an inquest held under the provisions of Articles 369-372 of the Criminal Procedure Act described above, which lay down the full scope of the investigation where witnesses may be heard, where lawyers may represent the interests of the deceased and where medical and other expert evidence may be heard and independently assessed.

Furthermore, the proposed amendment takes away the powers to order an inquest from the magistrate, who is a judicial official, and instead makes it part of the executive decision-making process by transferring that power to the Attorney General.

In the absence of a response from the government to its repeated appeals to take steps to protect human rights of concern in Sri Lanka and concerned about recent developments in Sri Lanka as described in this Introduction, Amnesty International is now publishing the communications addressed to the government during 1984. The organization hopes that the presentation of these documents - and specifically the recommendations submitted in the Review of Amnesty International's Current Human Rights Concerns in Sri Lanka and in Appendix B to these documents - will contribute towards the future protection of human rights in Sri Lanka in line with the Sri Lanka Government's firm assurances to the Human Rights Committee in November 1983 that "It had been and still was the government's duty to protect the right to life and other fundamental rights of the people in Sri Lanka".

DOCUMENT 1

REVIEW OF AMNESTY INTERNATIONAL'S CURRENT HUMAN RIGHTS CONCERNS IN SRI LANKA, JULY - DECEMBER 1983

REVIEW OF AMNESTY INTERNATIONAL'S CURRENT HUMAN RIGHTS CONCERNS IN SRI LANKA, JULY - DECEMBER 1983

This document describes Amnesty International's human rights concerns in Sri Lanka in the aftermath of the events in July 1983, when widespread civil disturbances throughout the island followed the killing of 13 soldiers on 23 July 1983 at Thinevely, near Jaffna, killings reportedly the responsibility of a Tamil extremist group. The subsequent violence was almost entirely directed against members of the Tamil minority, a number of whom have been campaigning for a separate state for the Tamils in the north and east of Sri Lanka, a demand also reflected in the political program of the Tamil United Liberation Front (TULF), Sri Lanka's largest opposition party in parliament until the 6th Constitutional Amendment of 5 August 1983 banned parties supporting separatism.

The government has now admitted that, during the days following 23 July 1983, 51 members of the Tamil minority were killed by the armed forces in the northern region and has confirmed that 53 Tamil political prisoners, detained or convicted under the provisions of the Prevention of Terrorism Act, were killed in Welikada Prison on 25 and 27 July 1983, reportedly by Sinhalese inmates. Hundreds of Tamils were injured or killed and their property looted by Sinhalese crowds. Forty-two persons, mostly members of three left wing parties banned by the government on 30 July 1983, were detained under Emergency Regulations in connection with police investigations into attempts the government alleged were being made by "certain elements....to utilize to their political advantage the situation created by these disturbances....and bring about a breakdown of essential services and ultimately paralyze the Government itself". The Amnesty International Statement updating its human rights concerns in Sri Lanka, July - September 1983, presented to the government on 15 September 1983, describes in some detail Amnesty International's concerns about these events as had been earlier communicated to the President in telex messages on 26 and 28 July and 3 and 9 August 1983.

This document reviews Amnesty International's current concerns in Sri Lanka in the light of new information provided in a detailed response dated 9 November 1983, which Amnesty International received from the Sri Lanka High Commission in London at the direction of the President of Sri Lanka, and in the light of information supplied by Sri Lanka's representatives to the Human Rights Committee during its 471st, 472nd, 473rd and 477th meetings held from 31 October until 3 November 1983 in Geneva. At those meetings, the Committee considered the reports Sri Lanka had submitted under Article 40 of the International Covenant on Civil and Political Rights about the measures adopted by the government to give effect to the human rights recognized in that Covenant. Furthermore, Amnesty

International presents with this Review in a separate document Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983 which Amnesty International has recently received. Amnesty International believes that the information set out in these documents demonstrates the urgent need for the government now to take effective steps for the protection of human rights of all Sri Lankan citizens, notably to protect the right to life, the right not to be subjected to torture and the right not to be subjected to arbitrary arrest and imprisonment, rights guaranteed in Articles 6, 7, 9 and 14 of the International Covenant on Civil and Political Rights, to which Sri Lanka is a party.

Amnesty International believes it is important that such steps be taken soon by the Sri Lankan Government since it continues to receive reports of violations of these human rights - as described in this Review - although not on the scale as these occurred during the July 1983 disturbances. In making these observations, Amnesty International also recognizes that during the six months under review, the Sri Lanka Government has taken positive steps leading towards the release of several of the political detainees held without trial since August 1983 under Emergency Regulation No.17, whom Amnesty International believes include Prisoners of Conscience.

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This Review deals with three areas which, given the serious breaches of human rights reported in July, are of immediate concern to Amnesty International, and which have also been the subject of the recent communications between Amnesty International and the Sri Lanka Government. They concern:

I The extrajudicial killings of civilians by members of the security forces in July and subsequently during 1983;

II The killing of 53 political prisoners in Colombo's Welikada Prison in July 1983;

III Arrests and detentions under the Prevention of Terrorism Act and the Emergency Regulations.

In a separate document Amnesty International describes the evidence of extrajudicial killings by the security forces the organization has received concerning incidents in July, August, September and November 1983, in respect of which Amnesty International has submitted specific recommendations to the Sri Lanka Government in Part I of this Review.

I Extrajudicial killings of Tamil civilians by the armed forces in the northern region, July 1983, and reports of subsequent killings by the security forces

Preliminary observation: violations of the right to life

As stated in previous Amnesty International reports,* Amnesty International recognizes that the Sri Lanka Government has faced serious problems of internal security. It is aware that demands for a separate state for the Tamil minority have been accompanied by acts of violence reportedly the responsibility of Tamil extremist groups. In a statement of 9 November 1983 of the Sri Lanka High Commission in London, the government reports that, as of 23 July 1983, 38 police officers and servicemen, nine politicians, 13 persons who volunteered evidence and 14 civilians had been killed.

Amnesty International, as a matter of principle, condemns the killing or torture of individuals detained by anyone and recognizes that the Sri Lanka Government has a responsibility to bring to justice those against whom there is evidence of involvement in violent acts. However, the killing of members of the security forces by armed groups opposing the government can never justify the security forces resorting to deliberate arbitrary killings of innocent civilians, who had apparently been selected at random and who were apparently killed in reprisal. Amnesty International is greatly concerned that the government has permitted its security forces in July to commit such grave abuses of the right to life, that it has failed explicitly to condemn these abuses and to halt their occurrence, especially since several more killings of civilians by armed personnel have subsequently been reported to Amnesty International. It is furthermore concerned that the government in July failed to protect the lives of 53 Tamil detainees in its custody, and is concerned that so far no comprehensive independent inquiry into these killings has been ordered to be conducted. These are part of Amnesty International's concerns for the safety of all prisoners in the government's custody.**

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* Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982, July 1983, and Amnesty International Statement updating its human rights concerns in Sri Lanka, July - September 1983, September 1983.

** Following the writing of this Review, Amnesty International learned with concern of a report that Sunil Silva, a Sinhalese prisoner, was allegedly beaten to death by prison officers in Kalutara Prison, dying of his injuries in Colombo's General Hospital on 27 January 1984. The prisoner's mother reportedly testified at the inquest into his death that she had seen the prison officers assaulting her son. A post mortem examination reportedly held that death was due to "battering" (Sunday Times, Colombo, 29 January 1984).

International human rights law specifies that the right to life is to be protected under all circumstances, even when a government is faced with an "emergency threatening the life of a nation", an obligation Sri Lanka is bound to uphold under Articles 4 and 6 of the International Covenant on Civil and Political Rights. The importance for the Sri Lanka Government to observe this obligation was stressed by a member of the Human Rights Committee during the consideration by that Committee of Sri Lanka's report. The Committee member called to the attention of the representative of Sri Lanka the General Comments of the Human Rights Committee, paragraph 1:

> "The protection against arbitrary deprivation of life which is explicitly required by the third sentence of Article 6(1) is of paramount importance. The Committee considers that States parties should 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 deprivation of life by the authorities of the State is a matter of the utmost gravity."*

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* General Comments on Article 6, Report of the Human Rights Committee to the General Assembly, 37GADR, Supp.40, UN Doc. A/37/40 (1982) at 93-94, paragraph 3.

Extrajudicial killings during 1983

The following eye-witness account is one example of the type of arbitrary violations of the right to life which took place in July:

> "When the bus reached Manipay market area I noticed about 10-15 soldiers on the road. They stopped the bus in which I and some other passengers were travelling. The soldiers asked all those inside the bus to get down. When the passengers and conductor got down, the soldiers asked the males to line up on one side and the females on the other side. (We thought the soldiers were going to check us and stood calmly.) The soldiers then assaulted some of the male passengers and shot at the rest. I was so shocked at the sight that I fell down in a faint. (Whether it was through shock or fear I cannot tell.) When I revived I got up and saw two persons laying dead with gun shot bleeding injuries near where I had fallen. Later on I heard there were others also who had died as a result of this incident and whose bodies were lying further away."

This man is one of the few survivors of the army shooting resulting in the death of eight apparently randomly selected men at Manipay market, a few miles north of Jaffna, on 24 July 1983. He is a witness to the death of some of the 51 Tamil civilians now officially admitted to have been shot dead by members of the armed forces in late July 1983 in the Jaffna district, killings which took place on 24, 25, 26 and 27 July. Amnesty International believes nearly all were deliberate shootings of unarmed civilians apparently in retaliation for the killing of 13 soldiers in the night of 23 July 1983.

In a separate document, Amnesty International presents evidence concerning 42 of the 51 army killings in July. (The names are listed in Appendix A.) In all cases (except one) the government is reported to have waived inquest proceedings, a major departure from normal procedures designed to safeguard the right to life. The government has permitted this serious departure under the provisions of Emergency Regulation 15A (see below).

Also described are six reports of killings of Tamil civilians by members of the army, air force and the police in the northern region which have allegedly occurred on 31 August, in early September, on 30 September and on 18 November 1983.

Amnesty International's initiatives

Immediately on receiving reports that civilians were being killed on 24 July by members of the armed forces in the northern region, Amnesty International cabled its grave concern on 26 July 1983 to the President, requesting the government take immediate steps to halt such killings. Amnesty International said:

> "....Amnesty International believes it is incumbent upon Your Excellency's Government to take immediate and effective steps to prevent further such killings of civilians by the armed forces. It further calls upon Your Excellency's Government to order an immediate and independent investigation into the killings which have taken place and to bring to justice those responsible.
>
> The organization recognizes the grave problems of internal security faced by Your Excellency's Government in light of violent acts such as the killing of the 13 soldiers on 23 July 1983 and the widespread communal violence now reported from Sri Lanka. It appreciates the government's duty to restore lawful order and to prosecute those responsible for criminal acts within the limits of relevant international legal standards. At the same time, Amnesty International emphasizes that the killing of civilians by the army as described above constitutes a grave breach of the right to life proclaimed in Article 6 of the International Covenant on Civil and Political Rights...."

A cable making similar requests was sent to President Jayewardene on 12 October 1983 in respect of four Tamils allegedly killed by members of the security forces in two separate incidents - one in early September and the other on 30 September - in the Vavuniya district.

The inadequate response of the government in respect of reports of extrajudicial killings

As described in the Amnesty International Statement updating its human rights concerns in Sri Lanka, July - September 1983, the government, which in July 1983 maintained that it had no knowledge of such killings, stated during the first week of August that 20 civilians had been killed by "members of the armed forces on the rampage". In its letter to Amnesty International of 9 November 1983, the government revised its figure to 51. The Sri Lanka Government informed Amnesty International that:

> "When, however, on the night of 23 July 13 Sinhalese soldiers were ambushed and killed by the terrorists in Jaffna, the pent up feelings of some of the soldiers got the better of their sense of discipline. A few soldiers acted on their own and 51 persons in Jaffna were killed."

The government also stated:

> "The Government does not condone the acts of these soldiers, I must stress that the commanding officers did all that was humanly possible to contain the situation."
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> (Letter from the Sri Lanka High Commissioner, London, 9 November 1983)

Amnesty International notes with concern that the killing of civilians by members of the Sri Lanka armed forces was not condemned by the government; Amnesty International is furthermore gravely concerned that the government has apparently taken no effective measures to prevent further such arbitrary killings by, for example, ordering independent investigations into these killings, bringing to justice those responsible and unequivocally stating that such killings will no longer be tolerated.* Whereas an inquest was reportedly held in October 1983 into the killing of the 13 soldiers on 23 July 1983, no inquest proceedings have been held, to Amnesty International's knowledge, into any but one of the 51 killings the government has confirmed occurred in July 1983 at the hands of the armed forces, the government reportedly having waived inquest proceedings under the provisions of Emergency Regulation 15A, which still remains in force. Amnesty International is aware that in at least 21 of the 42 cases described in the document "Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983", families of the victims have made statements to the police indicating the involvement of the armed forces in the killing. Nonetheless, Amnesty International is not aware that steps have been taken to identify those responsible for these killings and to bring them to justice.

According to the information supplied by the government, the government's measures in response to these killings appear to have been restricted to recalling soldiers to barracks and to bringing charges against some soldiers who "disobeyed such orders". Through the 9 November 1983 government's Statement, Amnesty International was informed:

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* According to recent reports in the international press, the government announced on 12 January 1984 that 75 people would be charged with murder in connection with the events of July 1983 and tried under Emergency Regulations (Guardian, London, 13 January 1984). However, these reports did not specify whether any of the 75 would be army personnel allegedly involved in the extrajudicial killings in Jaffna.

"The commanding officers made every endeavour to contain this situation. All the soldiers were recalled to barracks, and the few who disobeyed such orders were arrested and confined in the army detention cells. They are now facing Court Martial."

(Letter from the Sri Lanka High Commissioner, London, 9 November 1983)

Concern about the nature of the Sri Lanka Government's response to these killings was apparently also reflected in various questions put to Sri Lanka's representatives when members of the Human Rights Committee considered Sri Lanka's report before that committee in respect of the right to life and the right not to be arbitrarily deprived of one's life, as protected in Article 6 of the International Covenant on Civil and Political Rights. One Committee member observed:

"The Sri Lanka report did not address the important issue of the practices of the security forces and the measures taken to prevent ill-treatment or punish those responsible. Similarly....nothing had been said about paragraph 1 of (Article 6, the right to life), the importance of which had been stressed in a general comment adopted by the Committee."

(Summary Record of the 473rd meeting of the Human Rights Committee, 1 November 1983, paragraph 3, CCPR/C/SR473)

Another Committee member, in respect of the same Article of the Covenant, observed:

"In that connection, the security forces had been involved in incidents in which innocent persons had lost their lives. The representative of Sri Lanka might wish to say whether those incidents had been investigated, what had been the results of the inquiries and what had been done to prevent incidents of the kind from recurring."

(Summary Record of the 472nd meeting of the Human Rights Committee, 31 October 1983, paragraph 7, CCPR/C/SR472)

But, in reply, no such information was given by the Sri Lanka delegate who described available procedures, without indicating whether these had, as yet, been implemented by the Sri Lanka Government in respect of those involved in the July killings by the security forces, or whether the government had any intention of taking such steps in future. The delegate responded in general rather than specific terms:

> "Where complaints were made of any offences or acts of violence by service personnel, they would initially be examined by a senior police officer and a note referred to the Attorney-General, who would institute proceedings in appropriate cases."
>
> (Summary Record of the 477th meeting of the Human Rights Committee, 3 November 1983, paragraph 22, CCPR/C/SR477)

In the absence of firm initiatives known to have been taken by the government to halt these types of killings, Amnesty International was particularly concerned to receive reports that six further killings subsequently occurred at the hands of members of the security forces in August, September and November, reports described in detail in a separate document. In the absence of such measures, Amnesty International believes there is a danger that further killings could take place, and their likelihood is enhanced, Amnesty International believes, because Emergency Regulation 15A continues to be in force. Amnesty International and other international human rights bodies, including members of the Human Rights Committee, have repeatedly expressed great concern about its disquieting provisions.

Emergency Regulation 15A

Emergency Regulation 15A, promulgated on 3 June 1983, authorizes the police, after obtaining the approval of the Secretary to the Ministry of Defence, to take measures "for taking possession and burial or cremation of any dead body", to dispose of bodies without relatives being present and to dispense with inquest proceedings normally required to be held.

Amnesty International on several occasions in 1983 has urged the Sri Lanka Government to rescind this Emergency provision, stating its belief that Emergency Regulation 15A, and especially the suspension of inquest proceedings thereunder, could facilitate extrajudicial killings by the security forces. Similar views were expressed by several members of the Human Rights Committee, one of whom observed, with regard to Articles 6 and 7 of the Covenant, that:

> "He was especially disturbed by the rule which seemed to authorize police authorities to take possession of the bodies of deceased persons and to bury or cremate them without an inquest. He wondered what reasons justified that very questionable provision, which could open the door to all kinds of abuses and violations of the Covenant."
>
> (Summary Record of the 472nd meeting of the Human Rights Committee, 31 October 1983, paragraph 9, CCPR/C/SR472)

The government has strongly denied these suggestions. In its letter of 9 November to Amnesty International, the Sri Lanka Government observed:

> "The suggestion that it was the existence of Emergency Regulation 15A, which enabled to dispense with magisterial inquiries, that encouraged the soldiers to behave in this fashion is not correct.. ..The purpose of Emergency Regulation 15A was not to give additional powers to the services but to enable the authorities to bury or cremate a dead body in a manner that would not leave room for exciting communal passion."

However, at the time Emergency Regulation 15A was promulgated, an entirely different explanation was given, the government clearly stating that the purpose of promulgating Emergency Regulation 15A was to prevent magisterial inquiries into shootings by the armed forces which might produce evidence necessitating the trial of officials responsible for such killings before the Sri Lanka courts. According to a press statement issued by the Department of Information, reported in the Saturday Review, 4 June 1983, the purpose of the promulgation of Emergency Regulation 15A was explained thus:

> "Certain regulations under the Public Security Act will be enforced in the northern area to deal more effectively with terrorism. At present the Armed Forces are under restraint because in any incident that may result there can be inquiries by coroners which may even lead later to trials before law courts. This puts the services at a great disadvantage in that terrorists can shoot and disappear at will and Armed Services are unable to retaliate in self defence. In order to free the services of these disabilities, security regulations will be published. They will remove the obligations to have coroners' inquests following any shooting incidents by Armed Services."

As stated above, in all except one of the 51 killings by the armed forces which occurred in July, inquest proceedings were waived. Of the six cases of such killings which have since been reported, Amnesty International is not aware that in any an inquest was held, and in at least two and possibly four of these cases - including that of a young Tamil named Mohan, described in Part B of the "Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983" - permission was reportedly obtained under Emergency Regulation 15A by the security forces from the Ministry of Defence to cremate the bodies in the absence of relatives and others.

By permitting the disposal of dead bodies in secret and by suspending the requirement to hold inquests, the effect of Emergency Regulation 15A is to absolve members of the armed services from legal liability through prosecution in the courts for extrajudicial killings, such as the unprovoked killings of innocent civilians which occurred during 1983, and to create the impression that civilians can be killed by the security forces with impunity. The holding of inquest proceedings into deaths in custody is an important safeguard against extrajudicial killings and torture. Amnesty International is therefore deeply concerned at reports that, far from repealing these dangerous provisions, as it recommended, the government is considering, according to the Sun of 1 December 1983, amending the Prevention of Terrorism Act in order to provide on a permanent basis for the "suspension of magisterial inquiries into the deaths of persons who are killed during security operations", by incorporating these dangerous provisions into the Prevention of Terrorism Act, which is permanent legislation.

Amnesty International has investigated and carefully assessed evidence obtained concerning the 51 killings by members of the security forces during 1983. In a separate document, "Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983", Amnesty International presents details of 42 reports of the 51 killings by members of the armed forces on 24, 25, 26 and 27 July 1983. Also described are the testimonies of nine persons who were shot at by the army on 24 and 25 July, but who survived the shooting; six of them were seriously wounded, but survived after receiving hospital treatment. That document also describes the reports of six killings by members of the security forces Amnesty International has received during the latter part of 1983.

Amnesty International describes these killings in detail in the hope that the data provided may form a basis for full independent inquiries into reports of all extrajudicial killings reported during 1983 which Amnesty International hopes the government will yet institute as one of the most important means to ensure that no further extrajudicial killings will take place and to guarantee that the life and safety of all Sri Lankan citizens will in future be protected. In making such recommendations, Amnesty International is encouraged by recent assurances given by the Sri Lanka representatives before the Human Rights Committee when they firmly stated that:

> "It had been and still was the Government's duty to protect the right to life and other fundamental rights of all people in Sri Lanka."
>
> (Summary Record of the 477th meeting of the Human Rights Committee, 3 November 1983, paragraph 5, CCPR/C/SR477)

The government representatives also said:

> "In every case where there was evidence of a breach of the law by service personnel, those legal procedures would be set in motion, without exception."
>
> (Summary Record of the 477th meeting of the Human Rights Committee, 3 November 1983, paragraph 23, CCPR/C/SR477)

In line with these assurances, Amnesty International respectfully recommends that the government consider taking the following steps to protect the right to life and the security of all Sri Lankan citizens:

1. That the government issue firm directives that extrajudicial killings by the security forces will not be tolerated.

2. That the government order that impartial and independent investigations be held into all the extrajudicial killings reported since 23 July 1983, including into the cases described by Amnesty International, and that it ensure that those against whom evidence is found of their guilt of such killings, will be subject to normal criminal proceedings.*

3. That Emergency provisions permitting the police to dispose of dead bodies without inquest proceedings be revoked forthwith and that proposals that similar provisions be included in the Prevention of Terrorism Act be abandoned.

4. That the government grant compensation to the families of those killed by the security forces in July and subsequent months. As is clear from the details available to Amnesty International, in most cases, those killed were the breadwinners of the family, in many cases leaving wives and children without financial support.

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* To that effect, the government could, for example, consider establishing a statutory body to inquire into civilian complaints against the Police and the Armed Forces with full powers enabling it to conduct full and impartial inquiries. The Weekend, Colombo, 20 October 1983, reported that "according to highly placed government sources" a body with such powers was likely to be set up, but the government subsequently issued a denial it was considering establishing such a body.

II The killings of political prisoners in Welikada Prison, 25 and 27 July 1983

Fifty-three Tamil prisoners were killed in Welikada Prison on 25 and 27 July. In cables on 26 July and 28 July - the text of which were given in the Amnesty International Statement updating its human rights concerns in Sri Lanka, July - September 1983 - Amnesty International expressed its grave concern about the government's failure to protect the life of the prisoners in its custody. It requested the government to take full measures to protect the lives and safety of all prisoners and to publish the names of those killed and the organization furthermore requested that a full independent inquiry into these killings be established, and that the outcome of inquiries be published in their entirety.

In its communication of 9 November 1983 to Amnesty International, the Sri Lanka High Commission gave the following account of these killings:

> "On the 25th(July) afternoon about 300 of these prisoners made an onslaught on the Tamil prisoners, some arming themselves with the iron bars that they had wrenched off from the railings in the passages, and others with logs of firewood which had been stacked in the premises close by in the premises. The Prison officers were taken by complete surprise. Some of the guards had attempted to scare off the attackers by firing their revolvers into the air, but the crowd was large and feelings were high. They took the keys of the cells, where the Tamil prisoners were detained by threatening the guards who had custody of these keys, broke into the cells and within an hour 35 Tamil prisoners had all been killed.
>
> The day following these unfortunate killings, on the 26th the other Tamil prisoners were removed to what was considered to be a more secure section of the Welikada Jail, and on the 27th arrangements were being made to remove all of them out of Welikada to Batticaloa that same evening. However, on the 27th afternoon the Sinhalese prisoners made another onslaught, when a rumour was spread among them that a number of Sinhalese prisoners and officers had been killed in a jail break in Jaffna. The prison riot that broke out on the 27th afternoon was brought under control only when a special unit of the Army was sent in to restore law and order. 18 Tamil prisoners were killed in the riot.
>
> The remaining 20 Tamil prisoners who were being detained under the Prevention of Terrorism Act were removed from Welikada to Batticaloa Prison on the 27th night.
>
> A magisterial inquiry into this incident was held as required by law. The judicial findings were of homicide due to a prison riot."

Amnesty International notes that, according to press reports of 31 July 1983 (Weekend), the investigating magistrate returned a verdict of homicide and, as the prison officials were unable to indentify any of the persons responsible for the killings, he directed the Officer in Charge of the Borella Police "to conduct further investigations and report the fact to the Magistrate's Court in Colombo and produce suspects, if any, before the Chief Magistrate of Colombo". The outcome of such investigations is not known.

While appreciating that magisterial inquiries were held immediately in both incidents, inquiries which clearly established the need for further investigations, Amnesty International remains concerned that no comprehensive inquiry with full powers to conduct an independent investigation and hear witnesses has been ordered to be conducted by the government. This is especially so in light of doubts which have been expressed as to how killings could take place without complicity of prison officials, especially since political detainees were reportedly held in a special security wing and since attacks were permitted to be repeated after an interval of one day, the prison officials admitting they anticipated an attempt of a second attack but stating before the magisterial inquiry that the Tamil prisoners "could not be moved in time to save them". Furthermore, the inquiry the magistrate held lasted only one day into each of the two incidents, without the magistrate being in a position to hear full evidence from the surviving detainees, still in fear of their lives, or their lawyers. One lawyer for the detainees has reportedly made complaints of inability to contact the prison authorities in order to obtain access to the inquest proceedings on the day the inquiry was held. Amnesty International has itself interviewed one Tamil detainee who survived the killing and has received a sworn statement from another survivor, both of whom state that some of the prisoners who had come to attack them later told the surviving detainees that they had been asked to kill Tamil prisoners. According to the sworn statement:

> "We asked those people as to why they came to kill us. To this they replied that they were given arrack by the prison authorities and they were asked to kill all those at the youth offenders ward.* When we asked them to reveal the name of the prison officer they refused to reply."

Amnesty International was furthermore told by one of the surviving detainees that, when the police came to Batticaloa prison - to which the surviving Tamil detainees had been transferred on 28 July - to inquire about the Welikada killings, he did not give evidence to the police inquiry out of fear that any statement which would allege complicity on the part of the prison staff might result in repercussions while he remained in custody. These statements demonstrate, Amnesty International believes, the need for further investigations to be conducted by an independent body before which witnesses can testify in conditions of safety.

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* After the first attack on 25 July, Tamil prisoners who had survived the attack had been transferred to the Y.O. Building, the building for youth offenders, for stated reasons of giving them greater security.

In the absence of any knowledge of specific measures to protect the lives and safety of detainees the government may have taken subsequent to the magisterial inquiry, Amnesty International continues to remain concerned about the safety of Tamil detainees reported arrested in recent months by the government under the provisions of the Prevention of Terrorism Act, and some of whom reportedly were transferred to Welikada Prison.

Amnesty International respectfully recommends:

1. That the government give instructions for the establishment of a comprehensive inquiry into the killing of 53 Tamil political prisoners in Welikada Prison. Amnesty International recommends that such an inquiry comply with the following standards:

- that the inquiry be conducted by an impartial and independent body;

- that the investigative body has full authority to obtain the information necessary for its inquiry including powers to ensure cooperation of witnesses including means to protect their safety. Representation by legal counsel should be allowed;

- the commission's findings, and any recommendations it may make, should be made public in full.

2. That the government make information available about the steps it has taken to safeguard the lives and safety of detainees now in its custody under the Prevention of Terrorism Act.

III Arrests and detentions under the Prevention of Terrorism Act and the Emergency Regulations

(a) Detainees held under the Emergency Regulations

On 30 July 1983 the government banned three left wing parties, the Janata Vimukhti Peramuna (JVP), the Nawa Sama Samaja Party (NSSP) and the Communist Party. According to official reports "there was evidence available that the three parties that have been proscribed have been directly involved in creating a situation intended to either overthrow or at least undermine the government".* According to official information, 42 persons were taken into custody and held at the New Secretariat Building in Colombo, at Negombo Prison and at the Colombo Harbour police station.

Amnesty International welcomes reports that at least 16 of the 42 detainees, among them four members of the Communist Party, the ban on which has been lifted, have been released. They included several men adopted by Amnesty International as prisoners of conscience. On 9 November, the government informed Amnesty International that "In regard to the others, after investigations are completed, they will be prosecuted in the High Court or will be released if evidence is not sufficient".

Amnesty International, which had been concerned about their detention without trial under the provisions of Emergency Regulation No.17, and especially about the reported denial of or restrictions on access to lawyers and relatives, has written to the Secretary to the Ministry of Defence on 29 December 1983 requesting information whether the remaining detainees are now also being released in view of the fact that they were being held for five months without, to Amnesty International's knowledge, any specific charges having been brought.

(b) Detainees held under the Prevention of Terrorism Act

Amnesty International has described its concerns about violations of human rights which it believes are facilitated by the departure from normal legal safeguards under the Prevention of Terrorism Act - which provides for prolonged incommunicado detention without trial - in the Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982.** Following the publication of the report on 6 July 1983, Amnesty International has received several allegations of torture of detainees arrested in the northern region. An estimated 170 persons were reportedly arrested in recent months under the provisions of the Prevention of Terrorism Act from the Trincomalee and Batticaloa districts, and a few arrests were made from the Jaffna district, but few details about the conditions of their detention are known. Whereas the reasons for the arrests of these persons are not known to Amnesty

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* Ceylon Daily News, 1 August 1983, describing a Statement made by the Secretary to the Ministry of State.

** Pages 12-27 of that report.

International, Amnesty International is aware that they were made at the time that the government published details of armed robberies in October and November in the Jaffna, Batticaloa, Vavuniya and Trincomalee districts, and of one attack resulting in the wounding of the Private Secretary to the Minister of Regional Development on 15 October at Batticaloa, incidents for which the government attributed responsibility to members of Tamil extremist groups.

In its Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982, Amnesty International expressed concern that detention practices under the Prevention of Terrorism Act, including the denial of access to lawyers and relatives, while detainees were often held for many months without being produced before a judge, contravened provisions of Article 9 of the International Covenant on Civil and Political Rights, and that persons held in incommunicado detention in army camps and police stations were frequently reported to be subject to torture.

During the recent consideration of Sri Lanka's report by the Human Rights Committee, one member of the Committee expressed concern that "Derogation from Article 9 (of the Covenant) appeared to be a permanent feature of the Prevention of Terrorism Act and even more so of the emergency regulations under the Public Security Ordinance". Another member specified that a detention order made under the Act, which could not be called into question in any court, was a derogation from Article 9, paragraph 4, of the International Covenant. Several members of the Committee also expressed concern about restrictions the Prevention of Terrorism Act imposed on the right of access to legal counsel, and about the retroactive character of several of the Act's provisions. Another member noted that the 11 March 1982 Amendment to the Prevention of Terrorism Act removed the temporary nature of the Act, and asked to be informed whether the 1982 amendment to the Act was not inconsistent with the emergency nature of the Prevention of Terrorism Act. In that context, one of the members stressed that "legislation which derogated from normally applicable standards should be reviewed periodically to assess the necessity for its continuance in force". Another member advised caution with regard to provisions of the Prevention of Terrorism Act which permitted confessions to the police, contrary to the normal evidence rules in Sri Lanka which would exclude such evidence.*

Amnesty International believes that these and other concerns expressed by members of the Human Rights Committee reinforce several of Amnesty International's concerns expressed in the Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982, namely that certain provisions of the Prevention of Terrorism Act derogate from rights guaranteed in Article 9 and Article 14 of the Covenant, and facilitate practices of aribtrary arrest and detention and the occurrence of ill-treatment and torture as described in the Amnesty International report.

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* Report of the Human Rights Committee, Summary Record of 472nd meeting, paragraphs 10 and 11 (CCPR/C/SR472). Summary Record of 473rd meeting, paragraphs 7, 23, 24 (CCPR/C/SR473).

Considering these renewed expressions of concern, Amnesty International recommends:

1. That the government take the necessary measures to amend the Prevention of Terrorism Act as a step towards bringing detention practices in line with its international obligations under the International Covenant on Civil and Political Rights.

(a) To that effect, that the government now consider implementing the recommendations for the prevention of arbitrary arrest and detention and the occurrence of torture made in the Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982, recommendations based on the international human rights standards laid down in the International Covenant on Civil and Political Rights (Recommendations 1 to 11 of the Report are set out in Appendix B).

(b) That the Sri Lanka Government carefully consider the observations made by members of the Human Rights Committee at its 472nd and 473rd sessions especially in respect of provisions of the Prevention of Terrorism Act which some members of the Committee found appeared to derogate from Sri Lanka's obligations under the International Covenant on Civil and Political Rights, notably of Articles 9 and 14 of that Covenant.

2. In respect of the 170 detainees recently reported to have been arrested Amnesty International respectfully urges the government:

- that all those against whom there is no evidence of involvement in criminal activities be released at an early date and that others be tried within a reasonable time in accordance with international standards for a fair and public trial;

- that the relatives of arrested persons be immediately informed of the place of detention;

- that lawyers and relatives be permitted immediate and subsequently regular access to detainees and that all other rights normally available to other prisoners be also granted to political detainees;

- that firm directives are issued to those in charge of these detainees that they should not be subjected to torture or ill-treatment.

DOCUMENT 2

EVIDENCE OF EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES IN SRI LANKA, JULY - NOVEMBER 1983

EVIDENCE OF EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES IN SRI LANKA, JULY - NOVEMBER 1983

Following 23 July 1983, Amnesty International received reports that 51 Tamil civilians were killed by members of the armed forces in July and subsequently received several reports of further extrajudicial killings by the armed forces, air force and police between July and November 1983. Amnesty International has carefully assessed these reports and in the section below presents evidence about the death of 48 individuals at the hands of the security forces. Amnesty International makes details of these killings available in the hope that the descriptions which follow form a contribution to a full independent investigation into reports of extrajudicial killings by the security forces in Sri Lanka which Amnesty International has recommended the government to establish as a most important means to prevent further extrajudicial killings. In its Review of Amnesty International's Current Human Rights Concerns in Sri Lanka, July - December 1983, Amnesty International makes several recommendations for the protection of the right to life and the security of all Sri Lankan citizens, among them the recommendation:

> "That the government order that impartial and independent investigations be held into all the extrajudicial killings reported since July 1983, including into the cases described by Amnesty International, and that it ensure that those against whom evidence is found of their guilt of such killings, will be subject to normal criminal proceedings."

The nature of the evidence

In Part A, Amnesty International presents details of 42 cases of extrajudicial killings in the northern region where the government has admitted that 51 persons were killed by members of the armed forces in late July. They include eye-witness accounts in 23 cases confirming reports that these were deliberate extrajudicial killings by the armed forces. These killings took place on 24, 25, 26 and 27 July 1983. Furthermore, Amnesty International gives the testimonies of eight men and one woman who were shot at by the army on 24 and 25 July but who are still alive; six of them were seriously wounded but survived after receiving hospital treatment. The government in its

letter of 9 November 1983 to Amnesty International has implied that the 51 persons killed in July were deliberately killed by soldiers; at the same time Amnesty International is aware that in one of the 42 cases described in Part A, the army have claimed they shot in self-defence and in one other case they claimed that the person they killed was run over in an accident.

In Part B, Amnesty International describes six cases of reports of extrajudicial killings by the security forces in August, September and November, in which there are eye-witness accounts to the arrest of the persons killed in two cases. With respect to one of the six cases, a newspaper report, apparently quoting official sources, states that the person shot was killed when "he started running away".

Of the 51 officially admitted killings by the armed forces in July Amnesty International was informed that only in once case (the death of Kandappu Tharmakulasingham (see No.34)) was an inquest held. In all other cases, the government is reported to have waived the holding of magisterial inquests despite relatives of the victims having given statements to the police in at least 21 cases reported to Amnesty International.

Since fears have been expressed to Amnesty International about repercussions if the identity of persons who gave evidence were disclosed, Amnesty International has withheld their identity.

A) The July Killings

From early in the morning of Sunday, 24 July 1983, a number of incidents were reported of army personnel shooting at random at unarmed Tamil civilians. The first incident took place at 2.00 am in the morning of 24 July, and concerns a man who was cycling along the road and shot at by the army at Kondavil junction (on the way from Kondavil to Thirunelvely just north of Jaffna), but he survived. According to his statement:

> "I was cycling along with two others. At Kondavil Junction a minibus which had offed its lights stopped close to us. As the minibus stopped then headlights were switched on again. When we looked inside the bus we saw people in military uniform. We were frightened and began to cycle faster. Then the army men started firing several times at us. One shot grazed the left side of my chest. I ignored this and continued to cycle till I came to a mill. I jumped over the mill wall but I could not run any further as I fell on the ground....Later I learned I had been admitted to the Government Hospital, Jaffna, at 8 am."

A few hours later, an army patrol from Mathagal Army Camp reportedly ran over and killed one man in their army truck. The circumstances of his death remain unclear in the absence of independent eye-witness accounts, some reports claiming he was deliberately run over, while the army claimed his death was an accident. The man killed was:

1. Thillaiampalam KANDASAMY, a security guard at the Kankesanthurai Cement Factory, 33 years old, married with three children (the youngest was a year old at the time of the incident).

He had left home early for work. Although Amnesty International has no eye-witness account of his killing, fears have been expressed that he was deliberately run over by the army. The army van was found lying on its side, turned over, next to the body. According to a signed statement, "It was observed that the truck and his cycle were going in the same direction at the time of the incident". However the army has reportedly told the police that he had been "accidentally knocked down by the army truck". He was found with a bleeding neck injury.

Afterwards, the soldiers reportedly took forcible possession of a private minibus (which are used in Sri Lanka on a large scale for public transport). The number of that minibus is reported to be 29 SRI 1613. They are reported to have forced the driver to continue along a route described below, while shooting at people from the minibus, killing passengers travelling in cars or on the road. In one instance, they made all passengers of a CTB (Ceylon Transport Board) bus descend, lined up the men - and shot eight of them dead in cold blood. The number of people reportedly killed in the morning of 24 July whose names are known to Amnesty International was 19, and all were apparently carried out by the small army contingent which had left Mathagal Army Camp early on Sunday morning.

At Pandateruppu market they reportedly killed at least three men. Among those reported to have been killed were:

2. Visvar Kandiah ARUMUGAM, a vegetable dealer, 70 years old, who supported a daughter with two children (17 and 12 years old), who have lost the breadwinner of the family.

He had left home at 5.00 am to buy vegetables at the Pandateruppu wholesale market. He was reportedly shot dead while inside a transport van at Pandateruppu by the army. His body was taken to Tellipallai Government Hospital. Seven police from the Kayts police station informed the family in the morning of the next day (25 July) they could collect the body from the hospital. The body could not be collected because of curfew. The body was brought by the police to the home of Visvar Kandiah Arumugam on the 26th and cremated the same day. Relatives have stated that no inquest proceedings were held.

3. Thurai RAJENDRAM, 24 years old, of Mullaiaddy, Pandateruppu. Day labourer, married with two children (one three years old and the youngest 11 months at the time of the father's death). He was the breadwinner of the family.

He was reportedly shot in the face by the army, but Amnesty International has no eye-witness account of his death.

From Pandateruppu the soldiers in the minibus are said to have travelled south on the road to Jaffna via Sandilippay and to have ordered the driver to stop the minibus at Sandilippay Junction. Here the army shot at passengers travelling in a private minibus coming from the opposite direction (travelling from Sandilippay to Keerimalai) and killed four men. There are two eye-witness accounts to these killings.

Those killed at Sandilippay Junction were:

4. Anthonipillai VIMALATHASAN, social worker, university graduate, editor of the paper Manithan ("Man") concerned with social reform, he also worked for groups concerned with inter-communal harmony, 29 years old. (A picture of his body lying on the roadside was taken on the spot - see picture A.) He had 12 brothers and sisters. He was the only breadwinner of the family.

There is an eye-witness to his being shot by the army, who travelled himself in the minibus and described:

> "We were waiting for a long time to get a bus to Jaffna. A man who was passing that way told us that something was happening in Jaffna and asked us not to go. But we just ignored because we were going to propose marriage....It started raining, to our luck a bus came, we ran and got into that bus. As we were going, a private bus was coming from Jaffna, stopped our bus and told us some shooting had taken place in Jaffna and the

atmosphere seems to be terrifying. On hearing this advice our bus turned back. Some yards ahead of us we saw a bus coming toward (us). Our driver shouted at the bus asking it not to go to Jaffna. It was also a private travelling bus. That bus got to the side and stopped.

Instantly we heard shooting nearby. To our surprise army men from the other bus were firing at us. Bullets poured (into) and penetrated the bus. Blood was pouring out from many. Some were dying. We were struggling to get out. I got out through a window and ran for my life. I jumped over fences I never dreamt in my life I would jump. After some time I came back to see my..(relative)... Some bodies were being removed from the bus. The people there told me that my..(relative)..has been taken to the hospital nearby. I ran there and saw my.. (relative)..dying. He was able to talk and said that he had been fired at by the soldiers in the minibus. After his death, some people helped me to carry the body home...."

The police took a statement from his relatives. Relatives have stated that no inquest was held into his death.

5. M. Sinnathamby THARMAKULASEGARAM, an accountancy student, 24 years old, from Illavalai.

He had left home at 6.00 am that morning. A relative had travelled with Mr Tharmakulasegaram to Jaffna and had changed buses several times, as various buses on which they were travelling had turned back having been told there was "trouble in Jaffna". The eye-witness describes:

"From Sandilippay my..(relative)..and myself got into another private bus which was bound to Keerimalai. Within 5 minutes I heard gun shots near our minibus for about 3 minutes. Immediately we laid ourselves on the floor of the minibus. The minibus driver told the passengers to get down and run away because the army might come again and shoot at us. I got my..(relative)..to come along with me but could not see him for some time. Later with the help of another boy I went to the spot where I got down from the minibus. I found three dead bodies lying on the roadside. I identified my ..(relative)'s.. body."

The body was taken to Jaffna Government Hospital. The police came to the family's house the same day and the family gave a statement to the police at the hospital. The body was cremated on 25 July 1983. (See pictures A and B.)

6. Thambu KOTHANDAPANI, 39 years old, a carpenter, from Illavalai (see pictures A and B). He leaves a wife and five children, the youngest two months old at the time of his death. He was the only breadwinner.

He had left home at 6.00 am to meet a relative. The police, who had taken all three bodies to Jaffna Hospital, took a statement from the relatives on the same day.

7. Santhia SINNADURAI, employee at the Town Council, from Kankesanthurai, 55 years old.

He was travelling with a relative in a minibus travelling from Manipay to Keerimalai. The relative reported 25 rounds were fired at the minibus by a bus carrying army personnel coming from the opposite direction. Santhia Sinnadurai was shot dead on the spot. The police removed the body to Jaffna Hospital mortuary from where it was taken home by relatives who reportedly cremated the body the same day. Relatives have stated no inquest was held.

An unidentified man, approximately 30 years old, of whose body a picture was taken, was also reportedly shot at Sandilippay. (See picture C.)

From Sandilippay the soldiers in the minibus reportedly travelled further south in the direction of Jaffna, reaching Manipay market after 7.00 am. Here the largest number of killings in one single incident that day took place.

The soldiers, according to bystanders, were travelling in an ash-coloured minibus and stopped passengers, travelling in the No.23 SRI 5277 Karainagar-Jaffna bus taking route No.782, opposite the Manipay market. (The bus was returning from Jaffna to Karainagar on hearing there was trouble in Jaffna and it was not safe to go there.) Some soldiers were sitting nearby in the minibus which had reportedly turned around and was parked in the direction of Mathagal. At about 7.15 am between 10 and 15 soldiers in army uniform ordered the passengers to get down, segregated them according to sex and ordered the young men among them to stand opposite the Sudharson Electrical Shop (see picture D). After apparently ascertaining all of them were Tamils, they are then said to have shot in cold blood at approximately 15 men lined up in front of them. Between three and five soldiers are reported to have taken part in the shooting. Six men were reportedly shot dead on the spot, two died several days later in hospital, succumbing to their injuries. Amnesty International has several eye-witness accounts, one of whom was a relative of a person travelling on the bus who was shot dead and who was also travelling on the bus. The relative stated:

> "At Manipay opposite the market, the bus was stopped by army personnel. I saw about 10 to 12 army personnel in full uniform with arms standing on the road in front of our bus. The army personnel ordered the passengers to get down from the bus and asked the male passengers to stand in a row on one side and allowed the female passengers to stand on the market side. Most of the female passengers ran through the market but I stood close to the army personnel and tried to get the bag from my uncle and

> finally I got it. The army personnel requested if there was any Sinhalese passengers to come out, but no one came out from the crowd. Then they started shooting. Every army personnel was aiming his weapon at the passengers. I heard several gun shots and I was shocked at the sight. A boy pulled me along with him and took me to his house in order to save me....After some time I came to the spot in search of my....(relative).. ..I saw him lying on the ground in a pool of blood. I started crying. He instructed me to run away. He was unable to get up....his entire body was covered with blood but I saw his face without any injury...."

He was admitted to hospital, and later died from his injuries.

There are three statements from survivors:

> "I am a Muslim. I was coming from Jaffna in the same bus. The army stopped the bus. (They had come in an ash-colour minibus.) They stopped the bus and asked us to line up. They were selecting the boys and asked them to stand in a line. Then they started shooting. I only escaped by running this way (into the market). There were 15 soldiers in the minibus. They broke down one shop after the shooting. They stopped there for five minutes, then got in the van and went away. They took some toffee and other things and went away."

Another stated:

> "The army personnel ordered the passengers to get down from the bus. Then they asked the female passengers to run through the market and ordered the male passengers to stand in a row. Suddenly they opened fire at the passengers. I saw two of the passengers falling down. I saw two passengers who stood behind me running through a half opened shop. I took to my heels through the same shop and saved my life."

Another survivor stated:

> "They (army personnel) came in a minibus, got down and made the people stand in line separated the men from the women. They asked them to raise their hands. They were soldiers in uniform. They carried guns. Three of them shot. The man who was in front of me they shot. Out of 15 people, eight died."

A man in a shop watched the incident from less than 30 metres from the place of the shooting. He described it thus:

> "I saw the incident in which the army shot people and they came in a minibus. One army man got down from the minibus and talked to the rest in the van for five minutes. Then he asked the other army people to get down from the bus. A CTB bus was coming from the Jaffna direction towards Mathagal. The army ordered the bus to stop. The bus stopped. The army asked all the passengers to get down. They asked the ladies to go into the market side. Then they asked the men to stand on the other side. First they fired one shot in the open air. Then more shots were fired. Then we ran away behind (the market). After the army left, we came back and looked. We found six people were dead and two badly injured."

Those killed at Manipay market were:

8. Senthilnathan JAYENDRAN, 17 years old, student at Jaffna Hindu College, GCE A'level, from Chankanai.

He had left home at 6.00 am to attend private tuition travelling by government bus bearing route No.782. The father identified the body at Manipay market, which was lying with two other victims. The family gave a statement to the Chunakam police on 25 July 1983. Relatives have stated that no magisterial inquiry was held.

9. Vijayarajasekaran KUMARASIRI, 19 years old, student in GCE A'level, 2nd year, at J. Yarlton College, Karainagar.

He had left home at 6.00 am on 24 July 1983 to attend private tuition in Jaffna. A relative stated:

> "A young student from my neighbourhood who had escaped unhurt and got back to his house at.... by about 9.30 am had narrated about this incident (at Manipay) to people in his neighbourhood. I learned about this and as I was anxious to find out about his safety I went up to his house to find out whether ..(V. Kumarasiri).. was also a passenger in the bus referred to above. He told me for certain that ..(V. Kumarasiri).. along with the other passengers including himself were asked to get down from the bus and to line up by some members of the Sri Lanka army who ordered the bus in which they were travelling to be stopped. He also told me that when he heard the shots being fired, ..(V. Kumarasiri).. was still

> in the line of passengers facing the army men. When I reached the spot I saw a big crowd. I looked for him, and in a couple of minutes I found him lying dead in a pool of blood. There were two other bodies lying close to the spot where ..(V. Kumarasiri)'s.. body lay on a shop verandah."

The body was cremated the next day after permission was obtained from police.

10. Kandasamy MYLVAGANAM, born 29.5.38, from Chulipuram. Stenographer at the People's Bank, Jaffna, married with two children (17 and 12). He was the breadwinner.

He travelled to Jaffna leaving home at 6.15 am for work. Relatives found his body "riddled with bullets" at Manipay market. The family informed Chunakam police of his death and his body was cremated after police permission was obtained.

11. Ariyaratham NADESWARAN, a 19 year old student in GCE A'level class at Manipay Hindu College, from Karainagar.

He had left home at 6.00 am to attend private tuition in Jaffna. After being informed by a fellow student, a relative travelled to Manipay and found his body:

> "I was able to identify A. Nadeswaran among other five or six corpses which were lying at the verandah of the shops opposite the Manipay market....The bystanders told me that army personnel had indiscriminately fired and killed the passengers of a government bus. His body bore gun shot injuries."

The body was cremated at 3.30 pm on 25 July 1983. The family gave a statement to Kayts police and have reported that no magisterial inquiry was held.

12. Mahadeva RAJAKANTHAN, born 23.6.64, from "Ratnamahal", Sandilippay North, Sandilippay (see picture E).

He left home between 5.30 and 6.00 am on 24 July 1983 to attend tuition classes. His family found his body at Manipay market after having been told by bystanders he had been shot by the army at Manipay.

A statement was given to the police on 25 July 1983.

13. Kanagapathasunderam SUNTHARAVATHANAN, born 4.5.64, A'level student at Manipay Hindu College, from Vaddukoddai (see picture E).

He had two sisters and one brother. Kanagapathasunderam Suntharavathanan left the house early in the morning to follow classes at private tuition. The family was told the army had shot and killed him. They identified his bullet-ridden body among five corpses at Manipay. Relatives have stated no magisterial inquiry was held.

14. Kanapathipillai RAMIAH, 41 years old, trader from Chulipuram. He was the sole breadwinner of the family, leaving a wife and two children, the youngest 10 months at the time of his death.

There is an eye-witness to his shooting by the army at Manipay. After being shot, he was taken to the Green Memorial Hospital and from there to Jaffna Hospital where he died from his injuries on 29 July 1983. Relatives gave a statement to the Jaffna police.

15. Arumugam SEEVARATNAN, 45 years old, CTB (Ceylon Transport Board) bus conductor, from Chulipuram. He leaves a wife and seven children, the youngest of which is two years old. (See picture F.)

He had left hom at 6.00 am for duty at Vavuniya. After being shot at Manipay, he was taken to Green Memorial Hospital, and from there to the Tellippallai Government Hospital, where he died.

The army unit then reportedly returned to its base in Mathagal, shooting at people from their minibus. At least two people were shot dead around 8.00 am. Among them was:

16. Philip Aloysious Jogarasa CHANDRASEKAR, 34 years old, from Mathagal. Amnesty International has an eye-witness account from a man who was himself hit by army bullets but who survived:

> "At 8 o'clock on the morning of 24 July 1983 I left home to buy bread from a shop at the main road at Mathagal. In a few minutes I reached the said shop. While I was standing there, shots were being fired from a passing minibus, towards the said shop. I saw army men seated in the minibus and pointing rifles through the window. Jogarasa Chandrasegar, who was known to me and who was also standing there, cried out 'Aiyo, the army has shot me tell my father', so saying he fell down. I also was hit and had a bleeding injury. Jogarasa Chandrasegar and I were fired on by the armed soldiers referred to above."

He was transported to Tellippallai Hospital while still conscious. From there he was taken to Jaffna Hospital, where he died on the evening of the same day (24 July 1983).

Another person shot dead by the army in Mathagal was:

17. LOGAN, son of Augustin.

Amnesty International has the following eye-witness account:

> "I am a resident of Mathagal. When I was at home at Mathagal I heard three shots from the direction of Pandateruppu. Thereafter the... minibus came to Ponnurasa's shop at Arasady ("near the bo tree") and they shot at the people there. One of the injured persons is working at the excise department in Jaffna (he is still living). They shot him in the leg. Another man who was shot was Logan, son of Augustin. He received an injury in the chest and died the following day. Thereafter the army came towards the Cooperative Stores - further north on the way to Mathagal and they were shooting from the minibus as they were moving, there I also heard three shots. I took the number of the minibus: 29 SRI 1613. The colour was ash colour. About 5 or 6 people were inside, in fact I could not observe properly because I was trying to take cover. They were with and without uniform. Both. They were shooting from the minibus. After the incident, the minibus took the army men, left them at the army camp and returned. This happened at Mathagal. I took one man from Mathagal to the hospital the same day. Two people died in this shooting incident."

After these killings the group of soldiers released the driver of the minibus and returned to Mathagal army camp.

On Sunday afternoon (24 July), between 4.00 and 6.00 pm, a different army unit in uniform is reported to have killed 11 or 12 people at Thinevely (also spelt Thirunelvely) and Kantharmadam (on the northern side of Jaffna). This was the area where the 13 soldiers had been killed the previous night. In most cases the army reportedly entered private houses and shot at inhabitants at point blank, in others they reportedly shot at people on the street. Amnesty International has the names of 11 persons who are reported to have been killed during the afternoon by army personnel. It has eye-witness accounts confirming these were killings of unarmed Tamil civilians by members of the armed forces in five cases.

One of those shot was:

18. Kanagaratnam KRISHNANANTHAN, 32 years old, a trader, proprietor of Murugan Stores, opposite the Nallur Temple (Jaffna), married one year, with a son two months old at the time of his father's death.

Amnesty International has the following eye-witness account:

> "I was here on Sunday, 24 July, about 4.50 in the afternoon. Two army officers were coming towards (the) south from the north. They came and tapped every door and shouted and those (doors) were flung open and they terrified the neighbours. They were in uniform, fully armed with powerful weapons....I'll show you the after effects of the shooting also on the walls.... They burst open the outside gate and entered the premises. I stood up and greeted them 'Yes come in'. I told them in Sinhala, 'Slowly, slowly, you be very cautious in dealing with us, we are peaceloving people'. I told them in Sinhala, of course it would not have been very grammatical, because it was a collection of words so that I could explain myself. Then they entered the room and pointed at the shrine room (that is of the goddess of wealth) with their gun, and asked me what was inside. So I told them this is the puja kamere. (Kamere is a room, puja means the ritual and serving done in the room - more or less a retreat for meditation. Also we have these symbols for our prayer.) Then he withdrew the gun. He opened the door at the northern end and waited to inspect the sights. I told him that was the bathroom, the well and the premises. Then he saw ..(K. Krishnananthan).. who had just got up from his afternoon nap at our place. He had his identity card in his hand. He was seated. The (army men) asked me who he was. I told him.. ..then he nodded. That nodding, I presume now, will have been a signal for one officer who was standing behind (him). Then he shot him, from two yards. Instantly, in one second, he (K. Krishnananthan) fell down and died. He (K. Krishnananthan) was a small made man. The soldiers ran away after shooting. Kanagaratnam Krishnananthan was found to have a bleeding injury near the right ear. The police took statements the next day. There was no magisterial inquiry."

There are reported to be bullet marks at the place of the shooting.

This witness also recalled:

> "In the neighbourhood they threatened (others) and on the southern end of the road they shot two boys, about 16 and 13 years, they were going on bicycles, they were shot without any question."

Another eye-witness describes the same incident as seen from his house:

> "This is my residence and I noticed that two boys were passing here on their bicycles. While they were passing, three army jeeps were there. Some of the soldiers got down from the jeep and they shot at the two boys who came on their bicycles. They fell down and died. It was about 5.15 in the evening. I saw it with my own eyes. There were about 12 to 15 soldiers, 2 of them shot at the boys. After that, they got into the jeep and went back."

Army personnel also killed:

19. Nagalingam SIVALINGAM, 37 years old, of Old Road, Kantharmadam, Jaffna. A land surveyor in Dubai who had returned to Sri Lanka on 15 May 1983. He was married and had one son of two years, his wife was pregnant. (See picture G.)

Amnesty International has received the following eye-witness account:

> "Two army people came to the door and they were shouting: 'Open the door'. They opened the door, we came out. Nagalingam Sivalingam also came out. He (the soldier) asked us who were there. Nagalingam Sivalingam told them: ..... They asked: 'Where are you working?'. He said he was working in Dubai and that now he was staying here (in Jaffna). Then he (army man) nodded his head and Nagalingam Sivalingam thought he was asking for the identity card, and he went forward to give the identity card. At the same time, he (soldier) shot him. Nagalingam Sivalingam fell. No word came out from his lips. At the spot itself he died. Then he (the soldier) ran away. This happened at about 5.00 pm on Sunday evening, 24th July."

The police took a statement the following day and relatives have reported that no magisterial inquiry was held. There are reported to be marks of the bullets at the entrance of the house.

Amnesty International has also received eye-witness accounts of the killings of the following men:

20. Shanmuganathan SATHIYATHEVAN, of Palaly Road, Thirunelvely, South Jaffna, 18 years old, an assistant in the Jaffna Cooperative Stores. He had four brothers and sisters.

> "I hereby give details about how he was shot dead by the Army men round about 4.30 pm on Sunday, 24th July. Hearing that the army men were entering houses one by one we collected our jewellery and came towards the entrance of our house with the idea of running away. But we could not run away as Army men had come up to our doorstep. These army men ordered Shanmuganathan Sathiyathevan to put up his hands. Shanmuganathan did so. As he put up his hands one of the Army men placed his rifle on Shanmuganathan's chest and fired. I was standing by Shanmuganathan's side at that time. The bullet (exitted) (went out) through his left hip. As the shot struck him, Shanmuganathan cried out....and fell dead on the spot."

There are reported to be marks of bullets on the walls.

The police took a statement from the relatives but relatives have reported that no inquest was held.

21. Ponniah PARARAJASINGHAM, of Thinnevely South, Technical Officer in the Land Commissioner's Department, stationed in Trincomalee, 39 years old.

Mr Pararajasingham had arrived home from work at 4.00 pm on Sunday, 24 July, in a lorry of the Land Commissioner's Department. He was accompanied by three others. There is an eye-witness account of his death:

> "No sooner than he arrived and the lorry was parked in the neighbouring compound, two army men arrived at the main gate of the house and inquired from an inmate of the house where the occupants of the house were and if the inmate was aware of the deaths of some soldiers. The inmate of the house said the occupants were not there. Just then the army men chanced to see the lorry and the cleaner boy on top of the lorry. The soldier called the cleaner boy but he was frightened and ran away. Ponniah Pararajasingham, who was near the lorry, attempted to go towards the gate to meet the two soldiers. He said he would inquire from the soldiers what they wanted and try to send them away. He went towards the soldiers at

> the gate and answered all their queries. I heard him explaining to the soldiers that he had just arrived by lorry from Nochikulam in Trincomalee. I then saw one of the soldiers firing at Ponniah Pararajasingham with a rifle. The shot went through his head and injured the driver of the lorry who was standing close by. Soon after the shooting, the two soldiers left."

The Jaffna police took a statement from the relatives, but relatives have reported that no magisterial inquiry was held.

22. Sinniah SIVANANTHAN, 40 years old, Manager of Rathy Water Works, of Palaly Road, Thirunelvely South, Jaffna, married with a son (7) and three daughters (9, 7 and 5 years). He was the breadwinner of the family.

The shooting reportedly took place at 4.30 pm. Hearing the army shooting he had fled to a neighbouring house, but was there shot by the army. There is an eye-witness to his killing who described:

> "From the verandah of the said house I walked out and saw two army men with rifles in the adjoining lane. They came to me and asked for the key of the house at the point of the gun. I said that I did not have the key of that house, because it was not my house....Then they entered this house through another door and finding Sinniah Sivananthan there, shot him below the neck. He fell down and the soldiers went away. I went to Sinniah Sivananthan who requested me to take him to hospital. He added that he would not survive...."

He died 10 minutes after the shooting. The police took a statement from the relatives the next day, 25 July 1983.

23. Mylvaganam KARUNENDRAN, 33 years old, a village headman for Puthuvettuvan in Mullaitivu District. Married with three children. He was the breadwinner of the family. Because of a foot injury he was at home on medical leave.

Amnesty International has the following eye-witness account of his death:

> "On 24 July 1983, when (we) reached his house at Pillayar Lane (after a visit to the house of his mother-in-law)....(a relative) arrived to meet us. The time was about 4.30 pm and just then two soldiers with rifles appeared there. They asked us to come out....(we) went out holding out hands up. As we appeared one of the soldiers aimed his rifle at ..(M. Karunendran).. and shot him a little below the neck. Mylvaganam

> Karunendran fell down immediately. There was no possibility of removing (him) immediately to hospital as the surrounding area itself was affected by similar incidents and people were afraid to go out."

On 25 July he was taken to Jaffna General Hospital, where he died on 28 July. The police took a statement from relatives.

24. Subramaniam PARAMESWARAN, 39 years old, a family planning officer from Colombo, with a wife and two children, five years and 10 months old.

He was shot dead with his father-in-law:

25. Sinnathamby SARAVANAMUTHU, 82 years old, a retired teacher.

Amnesty International has the following eye-witness account of their death:

> "On 24 July 1983 at about 4.30 pm I saw an army jeep stopping in front of the house. Some soldiers got down and entered the house opposite. We ran behind our house and from there observed some armed soldiers entering our compound by jumping over the gate. They started smashing the window panes and making a din with a result that even the sound of the firing of the rifles was drowned. A few minutes later we heard the soldiers shouting and calling for the inmates. Subramaniam Parameswaran then went forward to answer the call of the soldiers. No sooner than he made his appearance, he was shot. The soldiers then left the house. Subramaniam Parameswaran lay fallen where he was shot. He had been shot in the upper region of the stomach area. He however was unable to speak. Soon after, I was informed that Sinnathamby Saravanamuthu, aged 82 years (father-in-law of Subramaniam Parameswaran who was also in the house) was lying fallen. I found that he had gun shot injuries and was bleeding and life extinct. The police arrived at about 6.00 pm."

The police took away the body of Subramaniam Parameswaran and the family was informed the next day he had died.

26. Thambu THURAISWAMY, 48 years old, a lorry driver of Thinnevely, married with nine children. Of the nine children, only the 22 year old son is employed, as an electrician. (See picture H.)

Amnesty International has the following eye-witness account of his death:

> "On Sunday, 24th July 1983, at about 5.00 pm ..(T. Thuraiswamy).. was at home. I heard the sound of blasts, but thought it was firing of crackers. About that time I saw somebody dropping a cycle near the gate of our house ..(T. Thuraiswamy).. went towards the gate to remove the cycles....As ..(T. Thuraiswamy).. approached the gate I saw two armed soldiers approaching (him). I also saw ..(T. Thuraiswamy).. raising his arms and the two soldiers standing close to him. The next moment I saw one of the soldiers aiming his rifle at ..(T. Thuraiswamy).. and I heard the sound of a gun shot....(T. Thuraiswamay).. fell immediately and I saw the soldiers moving away....When I went towards him I found he was bleeding profusely and he was hit on the chest. We carried him into the house and poured milk and water in his mouth which we found he drank. He never spoke a word and died in a few minutes. The following day at about 9.00 am the Police came and made inquiries and went away."

Amnesty International also has reports of other army killings on the afternoon of 24 July 1983, of which it has no eye-witness accounts. These reports concern:

27. Ramasamy NAGARAJAH, 22 years old, a mechanic, with a child aged one year and expecting another child.

He had left home (at Katpagavinayagar Veethy, Jaffna) at 3.30 pm on Sunday, 24 July 1983, for a family visit. He was reportedly shot by the army on Sunday afternoon, and his body was left at the compound at Amman Road. Relatives gave a statement to the police on 25 July 1983.

28. Seevaratnam THAVENDRAN, a salesman, 19 years old. (See picture I.)

He left home after repairing his friend's bicycle. Both of them left on the repaired bicycles. They were shot while riding on their bicycles on the road at Amman Veethy, Nallur. The police ordered relatives to cremate the body within one hour. Both Seevaratnam Thavendran and Ramasamy Nagarajah were found with gun shot injuries in their chests and are believed to have been shot by the army.

29. SIVAN, a 13 year old boy. Amnesty International has no further details of his death.

Amnesty International has also statements made by two people shot at by the army that afternoon, but who survived.

One man of Palam Road, Kantharmadam, described:

> "On the 24th of July, Sunday, round about 4.30 pm, while I was going to my house from my neighbour's house, two military personnel shouted out 'Halt' and came towards me. When they came close they ordered me to put up my hands; immediately I put up my hands. One of the soldiers fired 3 shots at me. The first shot did not strike me but went past my chest. One shot went through my right shoulder, the third shot struck me. I cried out and fell on the ground. After the soldiers left me lying there and went away, I went home. As I was not unconscious I was able to get home without anyone's help. With the help of my people at home I was admitted to the General Hospital, Jaffna. I am under treatment there."

Another survivor of Thinnevely South described:

> "On 24.7.83 at about 4.30 pm I was in front of my house, but the gate was closed. I saw two armed soldiers approaching the gate of my house about this time. I heard one of them say in Tamil 'Open'. I opened the gate and no sooner than I saw them one of them fired at me with his rifle and the two of them moved away. I felt I had been shot at, as my right shoulder was bleeding. At about 5.30 pm the police who had arrived in the locality as a result of several incidents in this area that day at about the same time, came and took me to the Jaffna General Hospital. I was hospitalized for four days. My life was spared because the soldiers had not aimed at me properly."

* * * * * *

The next day, 25 July 1983, further killings by the army were reported from the Jaffna area, in which at least three people died.

In the afternoon of Monday, 25 July, a group of army men went to the village of Valithoondal near Keerimalai, where they reportedly shot at people in several houses and killed one elderly person; two were shot but survived after hospital treatment; others were taken away to various army camps where they were allegedly beaten, and released the same day. It has been reported that these shootings and arrests were in reprisal for information the army believed one of the villagers had given to the police about army killings of the previous day.

The soldiers killed one elderly person:

30. David AMIRTHANATHAN, 65 years old, who was unable to run away as he was deaf and had not heard the earlier shooting. (See picture J.)

Amnesty International has the following eye-witness account of his death:

> "On 25.7.83 (Monday) at about 2.15 pm I heard gun shots all over....As I had heard of the killings of the army at Sandilippay, Manipay, etc, I was in great fear like the others in our village. As ..(D. Amirthanathan).. was deaf, I could not call him out but went close to him in the courtyard and asked him to run away. I then ran into the house and hid myself. But before ..(D. Amirthanathan).. could run away, he received a gun shot from the army personnel and fell dead on the spot. Immediately thereafter a shot rang out penetrating the house-door and my right thigh was wounded. I was also wounded in the stomach. I was taken to....Hospital. I was operated on and 3 bullets were removed.... Police recorded my statement at the hospital."

A relative saw David Amirthanathan's body lying on the road. He stated:

> "Around 2.30 pm or 2.40 pm while army personnel were searching all the houses in the area, I was pulled out forcibly out of that house. I was then taken by them towards the road and while going along I found David Amirthanathan lying dead in a pool of blood with gun shots. I was shocked to see him dead and begged of them to leave me behind at least to bury him. They beat me up and took me to their jeep on the road."

Five persons were taken from the village and seriously beaten by the army and released later the same day.

We quote from one sworn statement:

> "I noticed...., ..., ..., ..., being brought with their hands up to the jeep and then all 5 of us were ordered to sit down on the road in the hot sun. Then all five of us were taken to the house of one and asked to remove all his belongings and load them on to the truck. Later we were taken in the same truck to the Mathagal Army Camp and then to Palaly Army Camp. We reached there about 5.30 pm. Even before we could get off the truck we were mercilessly beaten up and all of us started bleeding. We were then taken into a room and further beaten up.
>
> At about 9,30 pm the same day I was taken along with the 4 others to the Gurunagar Army Camp. There an officer made some inquiries and we told him what had happened. He looked at our bleeding injuries and told something to his men. We were not beaten up so badly there. Around 10 pm I and the 4 others were taken in the truck up to the Jaffna Hospital premises. Immediately one of the soldiers ran out and put out the OPD entrance light. We were pulled down from the truck and the truck left immediately. Some hospital employees admitted us to hospital. I was discharged after 4 days."

Eight other persons were shot dead that day. In at least one case, according to the army, they shot a man dead in self defence. However, other reports claim all the persons killed were unarmed. Amnesty International has no first hand accounts of these killings, but it has details about the death of three persons.

31. Vaithilingam ARIYARAJAH, 33 years old, worked as Inspector of Telecommunications at the Kilinochchi area office at Paranthan. Ariyarajah was the breadwinner of the family. He had a wife and five children.

Vaithilingam Ariyarajah went to the Paranthan filling station on 25 July 1983 to obtain diesel for the departmental generator. Afterwards, he returned to his office, a quarter mile from the filling station. It is reported that while he was passing the Paranthan junction on his way back to the office army personnel in a truck coming from the direction of Jaffna shot Ariyarajah dead. He was shot through the abdomen. According to these reports, he was not carrying anything in his hands. However, the army is reported to have stated at the Kilinochchi police station that they had been attacked by Ariyarajah and had fired in retaliation.

Two others reportedly shot dead were:

32. Vellupillai NAGARAJAH, tractor driver and mill operator at M/S Sangarapillai and Bros, Paranthan. He was the breadwinner of a family of two elderly parents and five brothers and sisters.

There is no eye-witness account of his death but it has been reported that around 12 noon that day Vellupillai Nagarajah was reportedly waiting at the Paranthan Petrol shed to collect diesel for the tractor. An army jeep followed by an army truck came from the Jaffna direction. Gun shots were heard and, as the army truck was passing Paranthan junction, the army personnel reportedly opened fire at the petrol shed killing three, among them Vellupillai Nagarajah and wounding up to 15 others. The army then proceeded to Kilinochchi. Relatives have reported that no inquest proceedings were held into Vellupillai Nagarajah's death.

33. Kandiah SOMASUNDRAM, of Paranthan, manager of the Paranthan MPCS Union, in his fifties with a wife and two children (24 and 20). He was the breadwinner of the family.

There is no eye-witness account to his death but Amnesty International has received a report that Kandiah Somasundram had left his home in the morning on 25 July 1983 to go to his office and that he was shot by the army in the head around 12.20 am in his office. He was transported to Kilinochchi Hospital, but he died on the way there. On 26 July 1983 the Kilinochchi police requested the family's permission to collect the body from hospital. The family were given the body on 27 July 1983 at the hospital and cremated the body before the evening, on directions of the police. Relatives have reported that no inquest was held.

Four other persons were reportedly killed by the Vavuniya police that day (25 July) in circumstances unknown to Amnesty International. They were:

34. Kandappu THARMAKULASINGHAM, alias Jeyam. Fuel clerk at the MPCS Puloly, Point Pedro.

His body was found on the road from Trincomalee to Horowpotana, 15 miles from the place where the lorry in which he was travelling was found burnt. An inquest was held by the Keppitigollewa magistrate (BN 106/83), of which Amnesty International does not know the outcome. This is the only case of the 51 army killings in July 1983 in which an inquest is known by Amnesty International to have been held.

35. Nallayan GANDHI, cleaner at the MPCS Puloly, Point Pedro.

His body was found on the road from Trincomalee to Horowpotana, 15 miles from the place where the lorry in which he was travelling was found burnt.

36. Sithamparapillai VALLIPURAM, alias Kandasamy. Driver at the MPCS Puloly, Point Pedro.

His body was found on the road from Trincomalee to Horowpotana, 15 miles from the place where the lorry in which he was travelling was found burnt.

37. Sinniah KUGATHASAN, a student of Agricultural Engineering, from Puloly, who travelled with the three men above in their lorry.

One more person was reportedly killed that day by the security forces, but Amnesty International has no further information about the circumstances of his death:

38. Arumugam KANAGIAH, a farmer of Puthukkudiyiruppu, 45 years old.

* * * * *

Three people were reportedly killed by army personnel at Palaly the following day, Tuesday, 26 July 1983.

39. Vellaiyar SABAPATHY, 65 years old, retired employee of Civil Aviation Department of Palaly, Vasavilau.

Amnesty International has the following eye-witness account:

> "On 26.7.83 Tuesday, at 1.30 pm, Sabapathy was about to leave the house which is closer to the main road and go to another house.... Suddenly army personnel who were seated on the water bouser which passed that way shot at (Sabapathy). I took him to a house....I was unable to take him to the hospital as this incident happened during curfew hours. At about 6.00 pm he passed away."

On 27 July a statement was given to the Kankesanthurai police.

40. Francis MOHANTHAS, fisherman, 20 years old, from Palaly, Vasavilan.

On 26 July 1983 he had left home to help neighbours make a coffin for a funeral. Army personnel reportedly came near that house in jeeps and a water bouser. A witness states:

> "Most of us were scared after the army atrocities took place at Manipay, Pandateruppu, Jaffna, etc.. .. ..(F. Mohanthas).. ran towards sea coast due to fear and hid behind a fishing boat. The army personnel chased him near the sea coast and opened fire at him."

Relatives gave a statement to the police on 27 July 1983.

41. Ponnuthurai NANTHAGOPALAN, farmer, 29 years old, married.

He left home on 26 July 1983 at 2.00 pm reportedly for treatment for his asthma. He was seen to be taken by army personnel in a truck. On 27 July, early in the morning, the family was told his body was lying at a building site close to Selvasannithi Murugan Temple.

A sketch of a tiger was cut in his chest and inscriptions were cut in his hands reportedly with a pointed instrument. It is believed army personnel made the cutting in his chest possibly prior to his killing. A statement was given to the police.

* * * * *

One killing by the army reportedly took place on 27 July 1983.

42. Sabaratnam SATKUNANATHAN, 24 years old, employed at KKS Cement Factory, from Oddumadam, Jaffna. He leaves a wife and a daughter of 9 years, he was the breadwinner of the family.

Whereas there is no eye-witness account of his death, Amnesty International has received reports that Sabaratnam Satkunanathan had left home (near the Cement Factory) at 5.30 pm on 27 July to fetch milk from a farm nearby. Fifteen minutes later gun shots were heard and the family was informed that Sabaratnam Satkunanathan had been shot by army personnel. A report was made to the KKS police, who brought the body to the relatives for funeral. Relatives have reported that no inquest proceedings were held.

* * * * *

B) Killings by the security forces after July

Amnesty International has in this paper presented the details of 43 of the 51 persons killed by the army in July in the days following the killing of 13 of their own men on 23 July, nearly all of which appear to be unprovoked extrajudicial killings by the armed forces. Since then, six further killings of members of the Tamil minority by the security forces have been reported. These reports concern killings by members of the police, the armed forces and the air force in August, September and November 1983. Although full details about these killings are not yet available, Amnesty International has received reports that these were extrajudicial killings by the security forces of unarmed Tamil civilians, although in one case a newspaper report stated that the man killed was shot dead after he started running away after arrest allegedly for possession of hand bombs. Amnesty International has urged the government to order independent inquiries into all the cases described below.

In at least two of the six cases described, Amnesty International received reports that the bodies of persons killed were cremated by the security forces after permission had been obtained under Emergency Regulation 15A from the Secretary to the Ministry of Defence to burn the bodies. In two other cases, the relatives coming to collect the bodies at the hospital were reportedly told these had already been cremated, but it is not known whether official permission had been obtained from the Ministry of Defence, under Emergency Regulation 15A, to dispose of the bodies.

Amnesty International is not aware that in any of the cases described in this section inquests have been held.

The reports concern:

1. Krishnasamy SHIVASUNDRAM, from Kopay, security officer at Jaffna Cooperative Stores. He was the breadwinner of the family, leaving a wife and daughter.

He left home on 31 August 1983 at 5.00 pm for duty at the petrol shed of the above. He was reportedly shot dead that night by three police in civil clothes who had come out of a bus asking for petrol. He was reportedly shot in the abdomen by the three policemen after trying to explain in Sinhala that the petrol shed was closed and petrol not available. He was admitted to Jaffna Hospital, operated on, but died there the next morning. Relatives gave a statement to the police.

2. Selappa SIVANOLI

He was arrested by the security forces in Vavuniya in early September 1983 reportedly on suspicion he belonged to a Tamil extremist group. After arrest he was reportedly beaten and killed by air force personnel from Vavuniya in the Vavuniya air force camp on 11 September. The circumstances of his death are not known. Relatives were asked to identify the body, which was subsequently burnt outside the air force camp. Amnesty International has been informed that there has been no inquest into his death.

3. Nalalingam SIVAGNANAM (Sivakumar)

He was arrested by the security forces in Vavuniya in early September 1983 reportedly on suspicion he belonged to a Tamil extremist group. After arrest he was reportedly beaten and killed by air force personnel from Vavuniya in the Vavuniya air force camp on 11 September. The circumstances of his death are not known. Relatives were asked to identify the body, which was subsequently burnt outside the air force camp. Amnesty International has been informed that there has been no inquest into his death.

4. Subramaniam NAVARATNAM, alias Nadarajah, married, manager of the farm of T. Sivasithamparam, former MP of Vavuniya. He was killed by the security forces on 30 September 1983 at Madukkulam.

According to a report in the Island of 3 October 1983, apparently quoting official sources, "A man who was taken into custody by the Sri Lanka Air Force at Vavuniya for possession of hand bombs was shot dead when he led the Air Force officiers to a farm owned by a prominent TULF politico there and started running away". However, Amnesty International has received reports that the person apparently referred to in this report was killed after being beaten until he was unconscious.

One witness describes witnessing his arrest and his being beaten by the security forces:

> "On the 30th of September 1983....at about 2.30 pm a platoon of security force consisting of air force, army and police came to the farm and wanted to search the bungalow and the store. When they started the search they arrested the manager Nadarajah, handcuffed him, took him to a side 40 yards away from the room where I was and started to beat him brutally. I saw Nadarajah lying on the ground bleeding through his nose and mouth and unconscious."

At 5.40 pm Nadarajah's body was taken away in one of the jeeps, and reportedly taken to the air force camp in Vavuniya. The next morning, requests were made to the Superintendent of the Police and the Deputy Minister of Defence by telephone to release the body to his wife. However, the body of Nadarajah was burnt by the army opposite the army camp at Vavuniya during the night of 2 October. The wife of Mr Nadarajah was not officially informed of her husband's death.

Relatives have reported that no inquest into his death was held.

5. MOHAN, a young Tamil.

He was reportedly arrested by the security forces on 30 September 1983 and taken to the Vavuniya air force camp where he was allegedly beaten to death. His body was reportedly burnt with the approval of the Secretary, Ministry of Defence, without an inquest being held. Amnesty International has no witness accounts of his death.

On 2 October 1983 Amnesty International cabled President Jayewardene expressing its deep concern about the deaths of Sivanoli, Sivakumar, Mr Navaratnam and Mohan, stating:

> "Amnesty International has repeatedly called upon Your Excellency's Government to take immediate and effective steps to prevent such killings by the armed forces. We are gravely concerned that no such measures appear to have been taken and call upon Your Excellency to order an immediate and independent investigation into the killings of these four men, to publish the outcome of the investigations and, if the reports that they were killed in custody are confirmed, to bring to justice those responsible for these killings by the security forces."

To date, Amnesty International does not know of any such investigations having been held.

During November Amnesty International received one further report of killing by members of the armed forces. This report concerns:

6. K.T. Suthanthira Thaha RAJARAJESWARAN, 32 years old, photographer, from Uduvil. near Jaffna, married with three children (10, 8 and 2 years old). He was the breadwinner of the family.

Amnesty International has the following account of his death, which indicates he was shot by the security forces after arrest:

> "On 18.11.83...(Friday)...about 7.45 am, K.T. Suthanthira Thaha Rajarajeswaran, who was a full time photographer, was talking with one Mr Rajayarajah (Police Constable - Kayts police) in the front verandah about some photographs which the latter wanted taken by (him). I then heard a barrage of gun shots (about 50 rounds) and looked out. Rajarajeswaran was missing. I next saw about 15 soldiers at the gate shouting out orders to say that all inmates should walk up to the gate with their hands raised....I saw a very large number of soldiers right round the premises. Then the soldiers....ransacked all the rooms and removed some photographs and books. About 50 soldiers were carrying out the search....Two soldiers then came up and asked....why Rajarajeswaran ran behind the house....he must have done so out of fear of being shot dead or tortured as it now usually happens and as it did happen even a day or two earlier at Uduvil South (Malvam) and at Kondavil. I saw about 15 jeeps, 3 or 4 trucks and 3 armoured cars....Around 12 noon a police party

came....and then the army personnel went off. They then recorded a statement. I was asked whether I saw Rajarajeswaran being shot dead. I said I heard several rounds being fired from behind the house....the Mallakam magistrate came over and spoke to the police officers and proceeded to the rear of the house. I....found Rajarajeswaran's body with blood all over the face, in a stretcher. The body was removed by the police. I heard that Rajarajeswaran fell dead with gun shots near the western boundary parapet wall but that the body was shifted to the eastern boundary fence....The body was released on 19th evening from the Jaffna Hospital Mortuary. The police ordered that the funeral should be completed within one hour without informing friends or relatives."

* * * * *

Mr Rajarajeswaran was one of the at least 14 persons killed by the security forces during 1983 who were the sole breadwinners. We quote from one account recently received by Amnesty International:

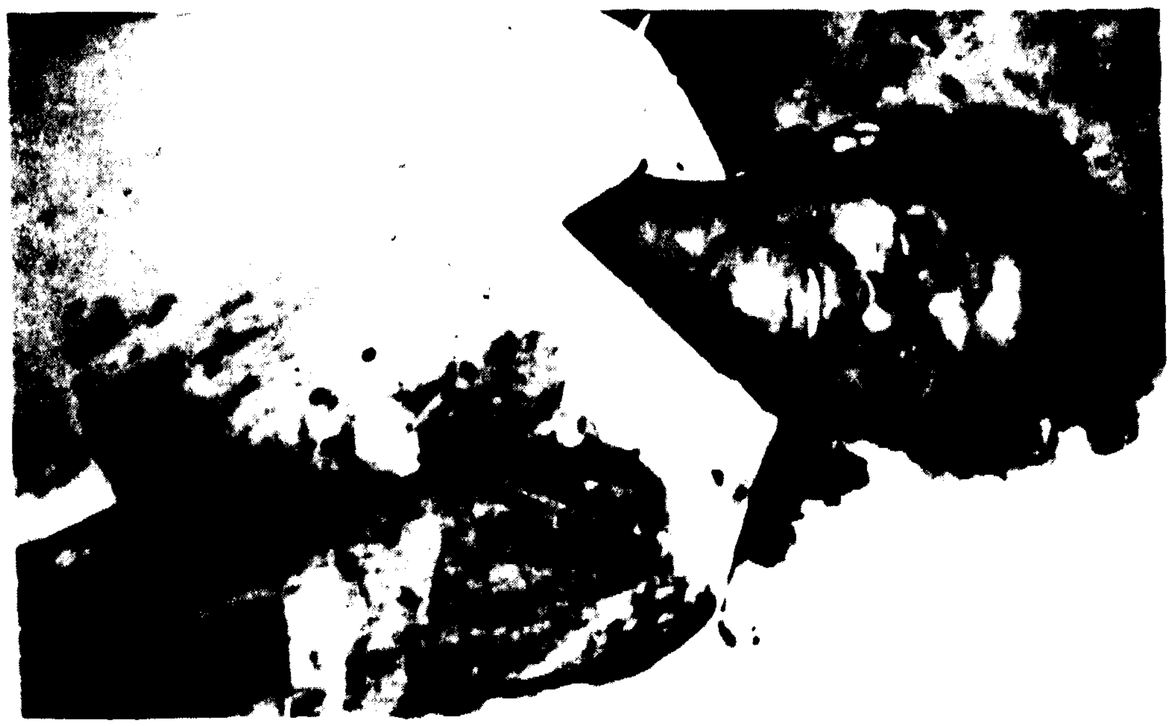
> "At the time my husband was shot, our first-born about 2 months old was in my arms. My husband never involved himself in politics. He had a small shop....After his death the shop has reverted back to the owners. I am now reduced to destitution. My child and I have lost the breadwinner of the family. We have no income at all."

In its Review of Amnesty International's Current Human Rights Concerns in Sri Lanka, July - December 1983, Amnesty International recommends:

> "That the government grant compensation to the families of those killed by the security forces in July and subsequent months.... in most cases, those killed were the breadwinners of the family, in many cases leaving wives and children without financial support."

A. Anthonipillai VIMALATHASAN
M. Sinnathamby THARMAKULASEGARAM
Thambu KOTHANDAPANI

B. M. Sinnathamby THARMAKULASEGARAM
Thambu KOTHANDAPANI



C. An unidentified man

D. Sudharson Electrical Shop, the site of the killing of eight men at Manipay market.

E. Mahadeva RAJAKANTHAN
Kanagapathasunderam SUNTHARAVATHANAN

F. Arumugam SEEVARATNAN

G. Navalingam SIVALINGAM

H. Thambu THURAISWAMY

I. Seevaratnam THAVENDRAN

J. David AMIRTHANATHAN

DOCUMENT 3

REPORTS OF EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES DURING MARCH AND APRIL 1984

REPORTS OF EXTRAJUDICIAL KILLINGS BY THE SECURITY FORCES DURING MARCH AND APRIL 1984

Background

The killings in the Jaffna peninsula on 28 March and from 9-12 April, described below, occurred at a time when the Government of Sri Lanka was taking a number of measures strengthening the powers of the security forces in the northern region. On 23 March 1984 the government announced that a new Ministry of National Security had been created "with full powers to combat terrorism particularly in the north and east" (Sun, Colombo, 24 March 1984). Mr Lalith Athulathmudali, that day appointed to be the new Minister of National Security, also became Deputy Minister of Defence and assumed responsibility for the civilian and military administration of the northern and eastern provinces, where most of the members of the Tamil minority live. The government also announced measures to increase the strength of the security forces in the north by, for example, sending paramilitary units to the north and attracting foreign security experts in training its security forces.

Amnesty International is concerned that the government is furthermore reported to have proposed widening the powers of the security forces as part of a series of amendments to the Prevention of Terrorism Act which would, if they become law, suspend further legal safeguards already curtailed under the Act. These proposed amendments would widely increase the powers of the armed forces operating in the north by giving them, on a permanent basis, powers to arrest without warrant persons who, while held under the Act's provisions, would no longer have the right to habeas corpus, and powers to escort prisoners and guard places of detention. They would also absolve members of the armed forces or police from liability to be subjected to inquest proceedings in the event a person died "during an arrest or the prevention of a commission of an offence" (unless such an inquest were specifically directed to be held by the Attorney General). Amnesty International's concerns about the amendments proposed to the Prevention of Terrorism Act have been described in the Introduction.

A) Evidence of extrajudicial killings and shootings on 28 March 1984

During the latter part of March there were renewed reports that members of the Sri Lanka security forces were shot and killed, official reports attributing these killings to Tamil extremist groups. In the first of these incidents in which two air force personnel were killed, a Tamil extremist group is reported to have claimed responsibility.* Those reportedly shot and killed by members of Tamil extremist groups were:

- two air force personnel in civilian clothes, shot dead on 20 March at Palaley, Jaffna, while travelling on a bus;
- three Sinhalese police officers, attached to the Point Pedro Police Station, shot dead on 26 March, while off duty;
- one policeman shot dead in the Jaffna district on 27 March;
- two excise officers, working in the Jaffna peninsula, on 29 March.

At the same time, Amnesty International also received disturbing reports that on 28 March 1984 unarmed Tamil civilians were once more made victims of deliberate random shootings and killings by security personnel, the Ministry of Defence later suggesting that the air force men responsible for the killings shot in self-defence (see below).

As stated in the Review of Amnesty International's Current Human Rights Concerns in Sri Lanka, July - December 1983, Amnesty International condemns the killing or torture of individuals detained by anyone and recognizes the government's obligation to seek to bring to justice those responsible for killings such as those carried out against members of the Sri Lanka security forces. The organization also recognizes that the government cannot be held responsible for the deaths of persons evidently killed by the security forces in legitimate self-defence. However, the reports Amnesty International received from Jaffna suggested that the killings and shootings of Tamil civilians on 28 March were of a different and arbitrary nature. These reports have been difficult to verify in view of strict censorship having been in force resulting in restrictions on independent information from the area. On 30 March 1983, Amnesty International cabled President Jayewardene, expressing its concern in the following terms:

> "With the gravest concern Amnesty International received renewed reports that Tamil civilians were killed and wounded Wednesday, 28 March 1984, apparently as a result of random shootings by air force personnel at Chunnakam. Some official sources are reported to have confirmed these killings. The killings reportedly took place shortly after air force personnel had

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* According to a report in the Times of India, 22.4.84, the Liberation Tigers of Tamil Eelam had claimed responsibility for the killing of two air force officers near Jaffna.

escaped an armed attack at Chunnakam. Although full details about these incidents are not yet available, Amnesty International has received reports that eight Tamils were shot dead at Chunnakam: Vallipuram Sinnathurai, Thambimuthu Sundaralingam, 38 years old, V. Thiarajah, 40 years old, K. Balasubramaniam and N. Yogarasa, all from Chunnakam, K. Ananthan, from Uduvil East, Pasupathy Thavamani, from Atchuvely, and K. Ganeshan, 22 years old, from Anekottai. Amnesty International has also received reports that 22 others were shot and seriously wounded as a result of shootings by air force personnel at Chunnakam and by as yet unidentified members of the security forces at Mallakam and Tellippalai.

Amnesty International is aware that the killings of these civilians took place against the background of renewed attacks on the security forces in recent weeks reportedly carried out by Tamil extremist groups and that four policemen were reportedly killed early this week in the northern region. As stated previously, Amnesty International recognizes the obligation of the government to bring to justice those responsible for such acts. However, as in 1981 and, again, on a larger scale, during the disturbances of July 1983, once more members of the government's security forces have responded to such actions by resorting to deliberate arbitrary killings and woundings of innocent Tamil civilians apparently in reprisal. Amnesty International reiterates its conviction that such actions constitute grave breaches of the right to life, which were permitted to occur despite the Sri Lanka Government's representative's assurances before the Human Rights Committee as recently as last November that 'It has been and still was the government's duty to protect the right to life and other fundamental rights of all people in Sri Lanka'. Amnesty International is deeply concerned that the Sri Lanka Government has failed explicitly to condemn the extrajudicial killings carried out by the security forces in the past and has repeatedly failed to halt their occurrence."

According to the government, those shot dead by the air force on 28 March - which the government admitted included "bystanders" - were killed during an "exchange of fire with terrorists". The Ministry of Defence, on the day of the incident, issued the following statement (as quoted in the Sun, Colombo, 29.3.84):

> "Sri Lanka Air force personnel, on their return from depositing money at a bank at Chunnakam, fired at a group of terrorists when fired upon. In the ensuing melee, terrorists as well as bystanders numbering 7 were killed and several others injured in the exchange of fire. In a subsequent incident at Mallakam, several persons received injuries."

A few days later, the Minister of National Security and Defence, Mr Lalith Athulathmudali, in an interview printed in the Island, 1.4.84, stated:

> "According to the information I have received, the Air force men were fired on by terrorists who were on the roofs of some buildings. The servicemen fired back."

However, leading Jaffna citizens have made statements contradicting the official account quoted above, stating their belief that these were unprovoked and arbitrary killings by air force personnel, apparently in retaliation for the fatal shootings several days earlier of two of their own men. The Rev. B. Deogupillai, Roman Catholic Bishop of Jaffna, in a statement reported in the Hindu, international edition, of 14 April 1984, stated:

> "The Air Force took revenge....It was unprovoked. They went into the market place, bought some provisions and opened fire."

A Tamil lawyer, who is also a Secretary of the Jaffna Citizens Committee, an organization of leading Jaffna citizens concerned with the promotion of communal harmony, quoted in the same report, said that "No one saw anybody attacking the Air Force men....They fired at random". A report in India Today, 30 April 1984, states: "Several eye-witnesses to the shooting swear that nobody shot at the air force men."*

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* India Today, the Indian fortnightly publication whose recent reporting on alleged training of Tamil extremist groups in India was given wide circulation in the strictly censored Sri Lanka press, reported in its 30 April 1984 issue:

> "Following complaints by TULF President M. Sivasitamparam, the President made enquiries. The air force men said they had retaliated to an attack on them by terrorists from the top of a building at Chunnakam and admitted that there was no provocation to the latter incidents. Vijayasurye (the air force commander responsible) was promptly stripped of his command and sent back to Colombo. The only building with a terrace in the market is that of the People's Bank. Several eye witnesses to the shooting swear that nobody shot at the air force men."

Amnesty International has received several eye-witness accounts of the shootings on 28 March 1984 resulting in the death of eight persons at Chunnakam market and one at Mallakam. These accounts identify Air Force personnel getting down from a truck and a van who opened fire at random, shooting into the crowded market at civilians. One of these accounts is from a Muslim trader, himself not a member of the Tamil minority, who stated:

> "I arrived in Jaffna nearly a month ago on one of my periodical visits to do business in ready made garments....On 28.3.84 too, I was at the Chunnakam market selling ready made garments. Around 11.00 am I heard a barrage of gunshots coming from the direction of the Chunnakam junction. Looking out, I saw Airforce men getting dowm from the vehicles and shooting towards the crowded market. People started running and I too wanted to run when some bullets struck me on my left leg and instantly (I) fell down and was bleeding profusely from the wounds...."

Another witness, who went to buy vegetables at the market, stated:

> "As I was about to take out the bicycle - this was around 11.00 am - I heard a barrage of gunshots from the eastern direction. Looking out I saw an Air Force man laying on the road on his belly and shooting towards the direction of the Chunnakam post office....I saw an Air Force truck parked at the junction and a jeep behind it. I noticed 5 or 6 Air Force men jumping out of the truck and rushing towards the police station firing several rounds into the crowded market. A while later I was struck (with gunshots on the left elbow and left knee). I then fell down and was bleeding profusely...."

Another victim was the cousin of a palm reader, who had accompanied his uncle to Chunnakam market. He stated:

> "As usual I went to Chunnakam market to read palms to the public. The late....who is my cousin also came with me to Chunnakam market on 28.3.84. At about 11.00 am on 28.3.84 I heard gunshots. I thought it was the sound of crackers. Later I observed an old man who sells tobacco fallen down and lying on the floor. I saw some Air Force men were shooting towards the public. Through fear I ran and escaped....The same day....informed me that his wife was shot at and admitted to Jaffna General Hospital with injuries and that....(my cousin) was shot dead by the Air Force and his body was lying in the Jaffna Hospital."

Furthermore, the government's version of the incident, as given in the statements by the Ministry of Defence and the Minister of National Security, as quoted above - that air force personnel were returning fire after being shot at from rooftops by "terrorists" - is difficult to reconcile with the fact that none of the victims appear to have been shot on the roofs of buildings and that most of the victims were middle-aged or elderly, one of them a woman: persons who could in Sri Lanka not easily be mistaken for "terrorists". A 90 year old man, himself one of the shooting victims, survived and stated:

> "On Wednesday the 28th March 1984, I was at the market as usual in the company of my grandson.... Around 11.00 am I was leaving the market. While proceeding towards the fish market side gate on the western side of the vegetable market, I received gunshot on my right leg and fell down. Gunshots were being fired all over the market square by Air Force men."

A 50 year old man was another survivor of the shootings, testifying to the death of a woman among the victims:

> "Around 11.00 am or so, I heard several rounds of gunshots being fired into the market. People started running. I then saw airforce men shooting all over the market square. I ran into a shop for safety. A while later when I stepped out thinking that they had gone, shots rang out again and I received gunshot injuries on the right ankle and also on the left leg. After the airforce men had finally gone off, I was transported in a van along with three other injured persons. One of them (a woman) died immediately on admission to hospital."

Shortly after the Chunnakam market incident had taken place, unidentified air force men shot and seriously wounded a number of people at Mallakam and Tellippalai. As a result of the shootings that day, a total of 22 persons were reported seriously wounded, and one person, shot at Mallakam, died of his wounds immediately afterwards.

The Ministry of Defence in its official statement on the Mallakam shootings, published in the Sun, Colombo, 29.3.84, does not address the manner in which the shootings at Mallakam took place, it merely stated that "In a subsequent incident at Mallakam, several persons received injuries".

Although full details of the Mallakam shootings are not yet available, Amnesty International has eye-witness statements indicating that unarmed civilians were apparently deliberately shot at random by air force personnel at Mallakam and Tellippalai, shooting without provocation at passersby or at people waiting at a bus stop, from an air force truck, followed by two jeeps. Amnesty International does not know whether these are the same air force personnel responsible for the previous shootings at Chunnakam. The statements Amnesty International received are of three survivors of the

shootings at Mallakam, and of one witness to the shooting of Nadarajah Yogarajah at Mallakam, who died before reaching hospital. That witness stated:

> "On 28.3.84 at 11.30 am I was at the stores along with Nagarajah Yogarajah....At the time an air force truck was coming from the direction of Chunnakam followed by two jeeps. While the vehicles were passing our shops gunshots rang out from the jeep. I was standing in the front portion of my shop....Yogarajah was by my side. I heard wizz of bullets and moved a bit to evade it and found that.. ..Yogarajah was struck with it on the left chest and it pierced through the other side. As soon as the bullet struck he (Yogarajah) cried out....held his hands to the chest and fell down and he was bleeding profusely from both sides of the chest....I took.... (Yogarajah) to General Hospital Jaffna. Immediately, he was pronounced dead...."

The following are accounts of three victims of the shooting who were seriously wounded but who survived after receiving hospital treatment.

This witness testified to the shooting from the air force vehicles at passengers waiting at a bus stop at Mallakam:

> "On Wednesday, the 28th March 1984, I went to the Mallakam District Court in connection with a court case. Around 11.30 am that day, I was at the Mallakam Pillayar Kovilady bus stop along with some others about to board a minibus. I then heard a barrage of gunshots from the nearby Mallakam Junction coming from Air Force vehicles, a truck and two jeeps. I received gunshots on both legs, sustaining very serious injuries. A chunk of flesh from the lower thigh of my left leg was torn off, exposing the bone. I was brought to the Jaffna hospital in a private bus along with another person who was more critically injured in this shooting. He was one of those waiting to board the bus. He died on the way to hospital."

The following accounts are from two men who were shot and seriously wounded while travelling along the road out of Tellippalai:

> "On the 28.3.84 I went for a hair cut at Tellippallai. It was about 11.30 am. The saloon was closed and I was turning to return home. At the same time, three Air Force vehicles were passing that way towards Palaly (two jeeps and a truck). The men inside those Air Force vehicles were firing as they were passing. I received a

gunshot and was wounded on the right thigh.
I was feeling giddy and was bleeding profusely..
..I was taken to....hospital and was operated
upon."

"On 28.3.84 around 11.00, I left home to go to Chunnakam Market. I had passed the Tellippallai junction and was proceeding to Chunnakam when I saw air force men in a truck and jeeps coming in the opposite direction. I saw that they were shooting and to avoid the bullets I jumped off the bicycle I was riding and lay myself prostrate on the ground by the roadside. I received one gunshot on my chest and started bleeding....On admission at the Jaffna hospital I was promptly operated on. It was reported that the bullet had passed through my chest piercing the lungs."

This man has a wife and six children, and although surviving, is now on long medical leave.

Those shot dead on 28.3.84 by the air force were:

1. Vallipuram SINNATHURAI, 68 years old, who sold vegetables at Chunnakam market. Since 5.00 am he had, as usual, been at the market where he was shot dead. He leaves a wife and had three children.

2. Kandiah BALASUBRAMANIAM, 53 years old, a watcher at Jaffna Railway Station. He leaves a wife and five daughters (21, 19, 17, 13 and 8 years old) and a son of 10 years of age. He was reportedly the first victim of the air force shootings.

3. Vairavi THIAGARAJAH, 42 years old, a casual employee. He had left home at 10.00 am to bring fire wood and milk for his baby twins. He was reportedly shot dead in front of a shop by the air force men when returning home with his purchases. He leaves a wife and four children of 12 and 6 years, and twins of 4 months.

4. Thambimuthu SUNTHARALINGAM, 37 years old, street hawker, who left home at 8.00 am on 28.3.84 to go to Chunnakam market to buy vegetables. He was reportedly shot at Chunnakam and taken to Jaffna General Hospital with gunshot injuries, where he died on 29 March. He leaves a sick wife and three children of 4 years and 1 year.

5. Kairavelu GANESHAN, 42 years old, of Annaikotai.

6. Mrs Pasupathy THAVAMANI, a 44 year old woman of Chavanayagapuram, Atchuvely.

7. Kandiah ANANDAN, 25 years old, of Uduvil South, Chunnakam.

8. Nadarajah YOGARAJAH, 43 years old, of 7th Mile, Mallakam, who died in a subsequent shooting at Mallakam. There is an eye-witness to this incident (described above).

Like on previous occasions, inquest proceedings were reportedly waived in all eight cases. The government's refusal to permit inquests to be held can only enhance concerns that these were in fact unprovoked extrajudicial killings. This is especially so since, in spite of the government's official version of the Chunnakam market incident, according to which those killed were shot dead by air force personnel in legitimate self-defence, the statements of eye-witnesses received by Amnesty International would appear to indicate on the contrary that the seven shot dead in Chunnakam market and the one man subsequently shot dead in a shop at Mallakam died as a result of deliberate random shooting by air force personnel.

B) Killings by the security forces in the Jaffna peninsula, April 1984

Between 9 and 12 April 1984 a number of violent incidents took place in and around Jaffna and during these days dozens of Tamils were killed by the security forces - estimates of the numbers killed and the circumstances in which they died varying widely even according to official sources.

These incidents started after a bomb was thrown at an army truck in Jaffna reportedly by members of a Tamil extremist group on 9 April 1984, followed by an attack by the army on a Roman Catholic church in Jaffna on 10 April. On 10 and 11 April there were reports of attacks by unidentified civilians, whom the government said were "terrorists", on a Buddhist temple (Naga Vihara) and a school for Sinhalese children (Sinhala Maha Vidyala), while closed for the April vacation. Other incidents in the Jaffna peninsula on 10, 11 and 12 April 1984, which were reported, included an attack on the Point Pedro police station by members of Tamil extremist groups. No members of the security forces were reportedly killed during the period. Curfews were imposed at 12 noon on 10 April, at 12 noon on 11 April and at 4.00 pm on 12 April. Killings reportedly took place both during and outside curfew hours.

The Minister of National Security, Mr Lalith Athulathmudali, has put the total number of persons killed between 9 and 12 April at 32, stating that all were "terrorists".* However, Amnesty International notes that another government official, the Government Agent for Jaffna, is quoted as saying that "more than 50" people were killed and that "hardly any of those killed by the army were linked with the guerrilla campaign for more autonomy for the Tamil minority".** He was also reported as saying that he spent

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* The Island, Colombo, 12 and 19 April 1984.

** Reuters reports of 18 and 19 April (later reprinted in the Colombo press, the Sun, 20 April and the Island of 19 April).

most of his time trying to trace people missing or detained since last weeks' events. In the same press reports Mr L. Rajasingham, President of the Jaffna Citizens Committee, estimated the number of people killed to be 234, stating that most victims were bystanders killed in random shootings by soldiers after the attacks by Tamil extremists. The Secretary of the Ministry of Information, Douglas Liyanayage, in the same Reuters report dismissed the figure of 234, but also acknowledged that there could be innocent civilians among the dead. He was quoted as saying "I cannot tell you that every person killed was a terrorist".

Amnesty International has the names of 30 persons killed between 9 and 12 April. The names of those reportedly killed are:

1. P. PONNAMBALAM, aged 58, retired government servant, from Nallur.
2. Nadarajah SIVAKUMAR, aged 24, labourer, from Jaffna.
3. Kanesan Rasa RATNAM, aged 60, washerman, from Chunnakam.
4. Ramu SELVARAJ, aged 37, mason, from Jaffna.
5. Velupillai AMBALAVANAR, aged 55, cigar roller, from Kokuvil.
6. Muthuthamby KANDIAH, aged 68, retired teacher, from Jaffna.
7. Muthuvelu PULENDRAN, aged 20, coconut dealer, from Jaffna.
8. Thavarasa YOGARAJAH, aged 26, labourer, from Urumpirai.
9. Masilamany THAYALAN, aged 19, student, from Jaffna.
10. Namasivayam SIVAPALAN, aged 22, clerk, from Jaffna.
11. Sisil THURAISINGHAM, aged 42, fuel clerk.
12. Shanmugam GUNASINGHAM, aged 32, welder, from Urumpirai.
13. Sinnathurai VASANTHAKUMAR, aged 22, mechanic, from Urumpirai.
14. Jesudason ANTON, aged 19, mechanic, from Jaffna.
15. David VILVARAJAH, aged 26, welder, from Manipay.
16. Manikkan UTHAYAKUMAR, aged 21, driver, from Anaicoddai.
17. Sultan MAHAROOF, aged 28, businessman, from Jaffna.
18. Thirunavukarasu PARAMANANTHAM, aged 30, salesman, from Jaffna.
19. Manuel CHRISTY, aged 23, labourer, from Jaffna.
20. Sinnappah THURAIRAJAH, aged 47, from Manipay.

21. Sinnathamby PERIYATHAMBY, aged 63, from Manipay.

22. Sivapatham JEYACHANDRAN, aged 27, clerk, from Punnalaikadduvan.

23. Visvalingam SIVARAJAH, aged 38, businessman, from Chunnakam.

24. Sellappah VADIVEL, aged 60, pensioner, from Vaddukoddai.

25. Chelliah MAHADEVAN, aged 57, manager of the Insurance Corporation, from Jaffna.

26. Rasalingam NAGULESWARAN, aged 20, from Jaffna.

27. Pasupathy THARMALINGAM, aged 35, labourer from Jaffna.

28. Ponnuthurai ASAIPILLAI, aged 57, oiler with Ceylon Government Railway, from Tellippalai.

29. Sebastian Sunderraj ELANGOE, aged 24, from Jaffna.

30. Thevarajah SURESHKUMAR, aged 19, student, from Atchuvely.

The circumstances under which these killings took place, and the number of those killed, are at present far from clear and Amnesty International is in the process of collecting further details about the events occurring in the Jaffna peninsula between 9 and 12 April. No inquests into any of the deaths have reportedly been held.

It has been pointed out that identification of the dead and the circumstances in which persons were killed has become extremely difficult in view of the army reportedly burning the bodies of several people shot dead by them. According to one of the statements received by Amnesty International:

> "My son....left home at about 7.30 am on 11.4.84 saying that he was going for tuition but has failed to return home so far....we made a search for him.. ..My son's friends reported having seen my son in the Jaffna Town area on 11.4.84. Hence I visited all the spots where it was reported that dead bodies were lying. But the bodies were in such a state, some were partly burnt, some charred and faces disfigured that no identification could be made...."

Amnesty International has received nine other statements from relatives of persons who left home between 9-12 April and who are still "missing", relatives stating they fear these persons were killed by the army, and their bodies burnt by them. One of them stated:

> "I was reliably informed that some persons who happened to be in the area in and around the Buddhist Temple....were shot and killed by Sri Lankan army soldiers that day. The bodies of the dead including any motor cycle or push cycles were destroyed by burning...."

In one other case however, relatives were still able to identify the body of the person mission, as the body was only partly burnt:

> "On 11.4.84 my son....left home for work....His uncle, who had followed him a little later informed us that he had found....'s dead body at the Clock Tower Road, Navalur Rd. Junction, and his cycle, coconuts and other items....were lying close by. I went to collect the body, but on seeing the army personnel were still in the area....came back. I was informed by some people in the locality that the dead body of my son was carried by a few boys on the instruction of the army personnel and set on fire near the level crossing....I went to the spot (where) the dead body had been burnt along with other 4 dead body. The bodies were partly burnt and I was able to identify my son though his face was slightly disfigured."

Amnesty International has received reports that such burnings took place at Villoondi, Chemmani and Mandativu, most reports identifying the army as responsible for the burnings. However, two reports received by Amnesty International allege that at the Chemmani cemetery, the police burnt the bodies of people shot by the army. The father of one man, who had left home on 9 April, and who is still "missing", stated that he had been told so by the police themselves:

> "Subsequently on Friday 13.4.84 I lodged an entry at the Jaffna Police Stations that my son....was missing. An officer in the police dept. told me that most of the bodies of persons shot by the army personnel on 9.4.84 were burnt by the police personnel at Chemmany cemetery...."

Amnesty International has attached to this document the pictures of two, as yet unidentified, bodies reportedly burnt by the army on 10 or 11 April 1984. Such burnings, impeding identification and investigations into the circumstances in which death occurred, can only enhance concerns that these deaths were the result of extrajudicial killings by the security forces.

Amnesty International believes there are grounds to fear that, between 9-12 April 1984, extrajudicial killings may have occurred and sent the following communication by telex to the President of Sri Lanka on 24 April 1984:

> "Following my message sent to you by telex on 30 March requesting that the government order a full and impartial investigation into the killings of eight, reportedly unarmed, Tamil civilians at Chunnakam on 28 March 1984, Amnesty International is deeply concerned at renewed reports that other Tamil civilians have been killed between 9 and 12 April 1984 at a time of increased civil disturbances in Jaffna. While full details of these reported killings are not yet available, according to official reports 32 persons have been killed, stated to be 'terrorists' shot during exchanges of fire with members of the security forces. However, the Jaffna government agent, in a Reuters report of 18 April, put the number killed at 'more than 50', 'hardly any' of whom were reportedly associated with Tamil extremist groups. Unofficial reports from Jaffna reaching Amnesty International allege that more than 200 people have been shot dead by the security forces between 9 and 12 April, and that many were innocent bystanders shot at random by the security forces. Reportedly, identification of the dead has been inhibited by the security forces burning several bodies of victims, practices reported at Villoondi, Chammani and Mandativu, apparently pursuant to Emergency Regulation 15A permitting the security forces to dispose of dead bodies without inquest proceedings. It has been reported that no inquests into these deaths are being held.
>
> Your Excellency, given the graveness of these reports, I again respectfully request that the government order forthwith full and impartial investigations into the latest reports alleging many extrajudicial killings of innocent civilians between 9 and 12 April by the security forces in the Jaffna peninsula; into the death of the eight persons in Chunnakam about which details were given in my telex of 30 March; as well as into 51 alleged extrajudicial killings in July and six such cases subsequently reported as described in detail in Evidence of Extrajudicial Killings by the Security Forces in Sri Lanka, July - November 1983, conveyed to Your Excellency on 14 February.

> Amnesty International furthermore respectfully requests that directives be immediately issued that inquest proceedings be held into all reports of alleged extrajudicial killings at the hands of security forces, the provisions of Emergency Regulation 15A notwithstanding, and that those responsible be brought to justice as a demonstration that no arbitrary killings of innocent civilians by the security forces will in furture be tolerated by the Sri Lanka Government."

By mid-May 1984, Amnesty International had not received a reply to this or any of its other communications sent to the Sri Lanka Government during 1984 expressing grave concern about allegations of extrajudicial killings in Sri Lanka. The extraordinary provisions of Emergency Regulation 15A, which only can facilitate further such killings, continue to remain in force.

Unidentified bodies of victims of shootings by army personnel - the corpses were reportedly burned by the army on 10 or 11 April 1984.

APPENDIX A

LIST OF PERSONS KILLED BY THE SECURITY FORCES IN THE NORTHERN DISTRICT, JULY 1983 - MARCH 1984

NAME	PROFESSION/AGE	DATE OF KILLING
1. Thillaiampalam KANDASAMY from Mathagal; married, three children	Security guard at KKS Cement Factory; 33 years old	24.7.83 at Kankesanthurai
2. Visvar Kandiah ARUMUGAM from Karainagar; married, one daughter	Vegetable dealer; 70 years old	24.7.83 at Pandateruppu
3. Thurai RAJENDRAM from Pandateruppu; married, two children	Day labourer; 24 years old	24.7.83 at Pandateruppu
4. Anthonipillai VIMALATHASAN from Pandateruppu	Social worker; 29 years old	24.7.83 at Sandilippay junction
5. M. Sinnathamby THARMAKULASEGARAM from Illavalai	Accountancy student	24.7.83 at Sandilippay junction
6. Thambu KOTHANDAPANI from Illavalai; married, five children	Carpenter; 39 years old	24.7.83 at Sandilippay junction
7. Santhia SINNADURAI from Kankesanthurai	Employee at Town Council; 55 years old	24.7.83 at Sandilippay junction
8. Senthilnathan JAYENDRAN from Chankanai	Student; 17 years old	24.7.83 at Manipay
9. Vijayarajasekaran KUMARASIRI from Karainagar	Student; 19 years old	24.7.83 at Manipay
10. Kandasamy MYLVAGANAM from Chulipuram;	Stenographer; 45 years old	24.7.83 at Manipay
11. Ariyaratham NADESWARAN from Karainagar	Student; 19 years old	24.7.83 at Manipay
12. Mahadeva RAJAKANTHAN from Sandilippay	Student; 19 years old	24.7.83 at Manipay
13. Kanagapathasunderam SUNTHARAVATHANAN from Vaddukoddai	Student; 18 years old	24.7.83 at Manipay

NAME	PROFESSION/AGE	DATE OF KILLING
14. Kanapathipillai RAMIAH from Chulipuram; married, two children	Trader; 41 years old	Shot 24.7.83 at Manipay; died from injuries 29.7.83
15. Arumugam SEEVARATNAN from Chulipuram; married, seven children	Bus conductor; 45 years old	24.7.83 at Manipay
16. Philip Aloysious Jogarasa CHANDRASEKAR from Mathagal	34 years old	24.7.83 at Mathagal
17. LOGAN son of Augustin		24.7.83 at Mathagal
18. Kanagaratnam KRISHNANANTHAN from Kantharmadam, Jaffna; married, one child	Trader; 33 years old	24.7.83 at Kantharmadam, Jaffna
19. Nagalingam SIVALINGAM from Kantharmadam, Jaffna; married, two children	Land surveyor; 37 years old	24.7.83 at Kantharmadam, Jaffna
20. Shanmuganathan SATHIYATHEVAN from Thirunelvely, Jaffna;	Salesman; 18 years old	24.7.83 at Thirunelvely, Jaffna
21. Ponniah PARARAJASINGHAM from Thirunelvely, Jaffna	Technical officer	24.7.83 at Thirunelvely, Jaffna
22. Sinniah SIVANANTHAN from Thirunelvely, Jaffna; married, four children	Manager, Rathy Water Works; 40 years old	24.7.83 at Thirunelvely, Jaffna
23. Mylvaganam KARUNENDRAN from Thirunelvely, Jaffna	Village headman; 33 years old	24.7.83 at Thirunelvely, Jaffna
24. Subramaniam PARAMESWARAN from Thirunelvely, Jaffna; married, two children	Family Planning Officer; 39 years old	24.7.83 at Thirunelvely, Jaffna
25. Sinnathamby SARAVANAMUTHU from Thirunelvely, Jaffna	Retired teacher; 82 years old	24.7.83 at Thirunelvely, Jaffna; died from his injuries on 25.7.83
26. Thambu THURAISWAMY from Thirunelvely, Jaffna; married, nine children	Lorry driver; 48 years old	24.7.83 at Thirunelvely, Jaffna
27. Ramasamy NAGARAJAH married, two children	Mechanic; 22 years old	24.7.83 at Jaffna

NAME	PROFESSION/AGE	DATE OF KILLING
28. Seevaratnam THAVENDRAN from Nallur	Salesman; 19 years old	24.7.83 at Nallur
29. SIVAN	Boy of 13 years	24.7.83 at Nallur
30. David AMIRTHANATHAN from Keerimalai	Fisherman; 65 years old	25.7.83 at Valithoondal, Keerimalai
31. Vaithilingam ARIYARAJAH from Kilinochchi	Telecommunications Inspector; 33 years old	25.7.83 at Paranthan
32. Vellupillai NAGARAJAH from Kandawalai	Tractor driver	25.7.83 at Paranthan
33. Kandiah SOMASUNDRAM married, two children	Manager, MPCS Union	25.7.83 at Paranthan
34. Kandappu THARMAKULASINGHAM alias Jeyam from Point Pedro	Fuel clerk	25.7.83 on the road from Trincomalee to Batticaloa
35. Nallayan GANDHI from Point Pedro	Cleaner	25.7.83 on the road from Trincomalee to Batticaloa
36. Sithamparapillai VALLIPURAM alias Kandasamy	Driver	25.7.83 on the road from Trincomalee to Batticaloa
37. Sinniah KUGATHASAN from Puloly	Student; 24 years old	25.7.83 on the road from Trincomalee to Batticaloa
38. Arumugam KANAGIAH	Farmer; 45 years old	25.7.83
39. Vellaiyar SABAPATHY from Palaly, Vasavilan	Pensioner; 65 years old	26.7.83 at Palaly, Vasavilan
40. Francis MOHANTHAS from Palaly, Vasavilan	Fisherman; 22 years old	26.7.83 at Palaly, Vasavilan
41. Ponnuthurai NANTHAGOPALAN from Palaly, Vasavilan	Farmer; 29 years old	26.7.83
42. Sabaratnam SATKUNANATHAN from Oddumadam, Jaffna	Employee, KKS Cement Factory; 24 years old	27.7.83

NAME	PROFESSION/AGE	DATE OF KILLING
43. Krishnasamy SHIVASUNDRAM from Kopay	Security guard	Shot 31.8.83 at Jaffna; died from his injuries on 1.9.83
44. Selappa SIVANOLI from Vavuniya		Died on 11.9.83, reportedly after beatings in air force custody
45. Nagalingam SIVAGNANAM (Sivakumar) from Anuradhapura		Died on 11.9.83, reportedly after beatings in air force custody
46. Subramaniam NAVARATNAM alias Nadarajah married	Manager, farm of MP for Vavuniya	Shot on 30.9.83 at Mandukkulam
47. MOHAN		30.9.83 at Vavuniya air force camp, reportedly after beatings
48. K.T. Suthanthira Thaha RAJARAJESWARAN from Uduvil; married, three children	Photographer; 32 years old	18.11.83 at Uduvil, near Jaffna
49. Vallipuram SINNATHURAI married, three children	Vegetable seller; 68 years old	28.3.84 at Chunnakam
50. Kandiah BALASUBRAMANIAM married, five children	Watcher at Jaffna Railway Station; 53 years old	28.3.84 at Chunnakam
51. Vairavi THIAGARAJAH married, four children	Casual employee; 42 years old	28.3.84 at Chunnakam
52. Thambimuthu SUNTHARALINGAM married, three children	Street hawker; 37 years old	Shot 28.3.84 at Chunnakam; died from injuries 29.3.84
53. Kairavelu GANESHAN from Annaikotai	42 years old	28.3.84 at Chunnakam
54. Mrs Pasupathy THAVAMANI from Chavanayagapuram, Atchuvely	44 years old	28.3.84 at Chunnakam
55. Kandiah ANANDAN from Uduvil South, Chunnakam	25 years old	28.3.84 at Chunnakam
56. Nadarajah YOGARAJAH from 7th Mile, Mallakam	43 years old	28.3.84 at Mallakam

APPENDIX B

These are 11 of the 12 recommendations Amnesty International submitted to the Sri Lanka Government in its Report of an Amnesty International Mission to Sri Lanka, 31 January - 9 February 1982.

V RECOMMENDATIONS

On the basis of the findings of its mission to Sri Lanka in January and February 1982 and of additional information contained in this report, Amnesty International respectfully submits the following recommendations to the Government of Sri Lanka for its urgent consideration. These incorporate the recommendations already submitted to the government in Amnesty International's 1980 memorandum.

Arrests

Arrests of individuals under the Prevention of Terrorism Act have been made without due regard to normal legal safeguards provided in Sri Lanka law and incorporated in international human rights standards (see Chapter III). Article 9 (Sections 1 and 2) of the International Covenant on Civil and Political Rights, ratified by Sri Lanka, provides that no one shall be subjected to arbitrary arrest or detention and that those arrested shall be informed at the time of arrest of the reasons for arrest and shall be promptly told any charges against them. Article 92 of the United Nations Standard Minimum Rules for the Treatment of Prisoners states that untried prisoners shall immediately be allowed to inform their relatives of their detention.

Amnesty International recommends that:

1. Individuals arrested under the Prevention of Terrorism Act be immediately informed of the reasons for arrest and be promptly informed of any charges against them.

2. The government inform relatives immediately of the arrest and place of detention, or allow the detainee to inform his/her relatives of his/her arrest and whereabouts.

Torture

The testimonies taken by the Amnesty International mission confirm other reports received by the organization that torture was regularly inflicted in 1981 and at least up until the time of the mission (see Chapter IV). It is apparently inflicted by the army and police on a limited number of people suspected of involvement in "terrorist activities". Torture is prohibited in Article 7 of the International Covenant on Civil and Political Rights, in Article 11 of the Sri Lanka constitution and under other provisions of Sri Lanka law. Freedom from torture is one of those absolute rights which the international covenant obliges governments to respect under all circumstances, even when an officially proclaimed emergency is in force (Article 4 of the International Covenant on Civil and Political Rights).

In Sri Lanka, Amnesty International believes that torture is facilitated by the suspension of important legal safeguards allowed by the Prevention of Terrorism Act, especially those permitting prolonged police custody and prolonged incommunicado detention in unknown places without any form of independent supervision or control. Contrary to normal procedure in Sri Lanka, according to which those arrested must be brought before a magistrate within 24 hours of arrest, Section 7 of the Prevention of Terrorism Act allows detainees to be kept for 72 hours in police custody (where there are no rules or safeguards to protect them from ill-treatment and torture). And under Section 9 of the act "suspects" may be detained for up to 18 months without charge or trial in any place and under any circumstances, thus allowing for prolonged incommunicado detention.

Amnesty International recommends that immediate steps be taken to prevent the future occurrence of torture. In line with the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and on the basis of Amnesty International's own knowledge of situations in countries where similar measures have been taken that facilitate the torture and ill-treatment of individuals suspected of terrorism, the organization recommends that the government consider taking the following immediate steps which should effectively halt torture.

Amnesty International recommends that:

3. All detainees arrested under the Prevention of Terrorism Act be granted immediate and, later, regular access to their lawyers and relatives and be allowed to instruct their lawyers freely, not in the presence of - at least not within hearing of - officials.

4. The normal procedure in Sri Lanka be restored whereby all detainees are brought before a magistrate within 24 hours of arrest, the magistrate having power to order either their release or remand in prison.

5. If detainees held under the Prevention of terrorism Act cannot immediately be transferred to prisons (as proposed in recommendation 10), that specific rules for detention and interrogation be immediately introduced to prevent the occurence of torture. Such rules should ensure the following:

a) that there is a medical examination on admission and later at regular intervals (both in order to protect detainees and to prevent false reports about their treatment in detention), such medical examinations to be made by a medical practitioner chosen by the detainee, if the latter so requests;

b) that a senior official is present throughout the interrogation (as in Amnesty International's experience interrogation in private creates the conditions in which brutality and violence can easily occur);

c) that interrogation lasts no longer than the normal periods between mealtimes and never starts before 7.00 am or ends after midnight.

Constitutional and legal prohibitions on torture in the Sri Lanka constitution and penal code have failed to protect victims from torture for reasons outlined in this report (see Chapter IV), so it must be concluded that existing safeguards are inadequate and that legal remedies are virtually unavailable.

Amnesty International recommends that:

6. The government review existing legal and constitutional remedies designed to protect Sri Lanka citizens from torture with a view to making them more effective. This review should in particular consider the extension of the time limit of one month within which complaints of torture have to be lodged under Article 126 of the Sri Lanka constitution and an increase in the number of courts entitled to hear such complaints.

In line with Articles 9 and 10 of the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Amnesty International recommends that:

7. The government establish independent investigative machinery to investigate complaints of police and army brutality and torture whenever there is evidence that such abuses have taken place. The findings of such investigations should be published in all cases, and criminal and disciplinary proceedings should be instituted against alleged offenders that such investigations suggest are implicated. (Such machinery might take the form of independent machinery to investigate police action as recommended by the 1969 Basnayake Commission.)*

In line with resolution 35/170 adopted by the General Assembly at its 35th session calling on governments to use the Code of Conduct for Law Enforcement Officials within the framework of national

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* Report of the Police Commission, 1969.

legislation, practice and directives to law enforcement agencies, Amnesty International recommends that:

> 8. The government translate into its national languages, publish, distribute and include in the training of police and members of the armed forces - especially those in charge of interrogation - the United Nations Code of Conduct for Law Enforcement Officials, adopted by the United Nations General Assembly on 17 December 1979. The code specifies that "No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment".

Detention

Detainees arrested under the Prevention of Terrorism Act have been held for long periods, some for more than a year and a half and several for a long time in solitary confinement. They have been held for many months before being brought before a judge (see Chapter III). These practices contravene Article 9 (Sections 1, 3 and 4) of the International Covenant on Civil and Political Rights which state that no one shall be subjected to arbitrary arrest and detention; that those arrested on a criminal charge shall promptly be brought before a judge and shall be entitled to trial within a reasonable period or released. They also state that people who are detained are entitled to take proceedings before a court that can decide, without delay, on the lawfulness of their detention.

Amnesty International recommends that:

> 9. All individuals arrested under the Prevention of Terrorism Act be produced before a magistrate within 24 hours of arrest and be either released or tried within a reasonable period.

People detained under the Prevention of Terrorism Act are held without any form of judicial or other independent control in conditions entirely at the discretion of the government, that is, "in such place and subject to such conditions as may be determined by the Minister". Minimum safeguards prescribed in the Sri Lanka Prisons Ordinance and in subsidiary legislation are denied to political detainees, and detention conditions appear to fall short of the minimum guarantees laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners (in particular Rules 24, 25(1), 33, 37, 44(3), 90 and 93 - see Chapter III).

Amnesty International recommends that:

> 10. a) Detainees be held in prisons where there are rules to protect them while in detention, and not in police stations, army camps or any other place

of detention. All prisoners, including political prisoners, should receive similar treatment, be granted rights under the Sri Lanka Prisons Ordinance and subsidiary legislation and be informed of their rights - preferably set forth in writing - on admission. Detention conditions should at least be brought into line with the minimum provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners. Detainees should be allowed regular visits by relatives and means of communicating with them, have access to reading and writing material, be supplied with adequate food and drink, be kept in hygienic conditions, be allowed daily exercise and be able to receive adequate medical treatment. They should not be kept in solitary confinement or be kept chained or fettered.

b) If recommendation 10 (a) cannot immediately be implemented and detainees held under the Prevention of Terrorism Act are not transferred to prisons, that the government, at the very least, allow an international body with a mandate and expertise in the field, to visit them, wherever they may be held, regularly and without giving prior notice, and carry out the recommendations of such a body. It might also consider establishing, at an early date, an independent body of prison visitors - consisting of reputable citizens with experience in human rights, whose independence and integrity are accepted by all sections of society - with power to visit detainees unannounced.

c) Detainees held under the Prevention of Terrorism Act be immediately informed of their right to make representations to the Advisory Board and be given every facility to make such representations at the earliest opportunity. In order to improve the board's functioning the independence of all its members might be ensured and their mandate extended to include making on-the-spot inquiries about detention conditions.

Trials

Contrary to the normal rules of evidence specified in Sections 25 and 26 of the Evidence Ordinance, which exclude confessions made to the police as evidence in future trials, Sections 16 and 17 of the Prevention of Terrorism Act allow as evidence a much wider range of statements. Similar provisions existed under the previous government

in the Criminal Justice Commission Act and were then criticized by Amnesty International, which considers these provisions constitute a direct incentive to interrogating officers to obtain information or "confessions" by any means, including torture, and should therefore be repealed.

Amnesty International recommends that:

> 11. The government repeal or amend Sections 16 and 17 of the Prevention of Terrorism Act so as to ensure that all "statements" or "confessions" obtained from detainees arrested under the Prevention of Terrorism Act and not made in the presence of a magistrate be excluded from evidence in current and future trials. The normal rule laid down in the Evidence Ordinance should always apply.