

TABLE OF CONTENTS

1. Introduction 1
2. Background 1
3. Human Rights Concerns in the Northeast 2
 - 3.1. Human Rights Abuses by LTTE 2
 - 3.2. Human Rights Violations by Government Forces 3
4. Human Rights Concerns in the South 5
5. Government Initiatives 7
6. Amnesty International's Recommendations and Actions in 1991 8

SRI LANKA

Summary of human rights concerns during 1991

1. Introduction

Scores of people were extrajudicially executed and several hundred "disappeared", probable victims of torture or shooting in custody. Torture in custody appeared to be in systematic use. Thousands were detained without trial under emergency regulations and the Prevention of Terrorism Act. The government took steps to protect those currently under detention, but failed to account for thousands of "disappeared" from previous years. In December, it announced that 30 of the 32 recommendations for the effective prevention and investigation of extrajudicial executions, "disappearances" and torture made by Amnesty International in a report in September are to be implemented.

2. Background

The armed conflict between government forces and the Liberation Tigers of Tamil Eelam (LTTE) continued in the northeast. In the Amparai, Batticaloa and Trincomalee districts, security forces retained control of towns and main roads, but in villages occasional clashes between the two parties continued to be reported. It was often unclear who controlled which area. Tension between the Tamil, Muslim and Sinhalese communities in this ethnically mixed region remained high. Heavy fighting took place in parts of Mannar, Vavuniya, Mullaitivu and Kilinochchi areas with a high number of casualties on both sides. The civilian population suffered in the bombing and shelling of the Jaffna peninsula. Many of them fled the area, having obtained the necessary permit from the LTTE who were largely in control there.

In May the ruling United National Party (UNP) won local elections held in all parts of the country except the northeast. In August a group of members of parliament moved for impeachment of President Premadasa, alleging abuse of power, corruption and failure to protect human rights. The President prorogued Parliament in September.

Throughout the year the government and the LTTE both made several offers for negotiations. Nevertheless no official negotiations were started and fighting in the northeast continued. The state of emergency giving wide powers to the security forces to arrest and detain without charge or trial remained in force throughout the year.

3. Human Rights Concerns in the Northeast

3.1. Human Rights Abuses by LTTE

LTTE cadres, particularly in the Jaffna area, held captive members or sympathizers of rival Tamil groups and people suspected of providing information to the security forces. There were increasing reports of people detained for ransom, particularly in the east. Four of the 24 Muslim businessmen similarly detained in mid-November 1990 in Jaffna continued to be held. They were among an estimated 2,000 persons held captive by the LTTE, including about 50 reportedly detained solely for their "dissenting" views. Captives were held incommunicado and relatives complained that no information was provided about their place of detention or the accusations against them. There were reports of torture and ill-treatment of detainees.

LTTE cadres attacked members of the Sinhalese and Muslim community living in the northeast or areas bordering the present Northeastern province. In one such incident on 27 June a bus with mainly Muslim and Sinhalese passengers was brought to a halt by a mine explosion at Hulanuge, Amparai district. At least 11 of the passengers were deliberately shot dead after leaving the stranded bus, and their bodies put in the bus and burned. In late August and early September the decomposed bodies of police officers, reportedly among several hundred taken prisoner by the LTTE in June 1990 were found in mass graves in the Batticaloa District. In October unofficial sources reported public executions of at least 32 persons held by the LTTE in the Jaffna peninsula. Reportedly blindfolded with their hands tied behind their backs, they were brought to a public place and made to confess to a "crime", and then shot. Death threats were reported in Muslim villages in the east. Tens of thousands of members of the Muslim community who fled the northeast during 1990 following similar threats by the LTTE continued to live with relatives or in refugee camps in Puttalam and Colombo.

The LTTE were widely suspected of being responsible for a number of killings carried out outside the northeast, including the killing in May of the former Prime Minister of India, Rajiv Gandhi, in Tamil Nadu, India. The LTTE denied responsibility.

In January, Amnesty International called upon the LTTE to treat humanely several police officers held at unknown places in the Jaffna peninsula. In February, it reiterated earlier appeals for an immediate halt to killings of non-combatant civilians and prisoners. In August, a further communication was sent urging that all LTTE cadres be instructed that under no circumstances the torture or killing of defenceless people be permitted and to allow the International Committee of the Red Cross regular access to prisoners. In November, Amnesty International called upon the LTTE to halt immediately its practice of carrying out-execution style killings. It also repeated its appeal to stop holding captives incommunicado and to take immediate steps to ensure that those detained are protected from torture. In November the LTTE wrote to Amnesty International but failed to provide a substantial response to any allegations of human rights abuses made.

3.2. Human Rights Violations by Government Forces

The military, the police and the Special Task Force (STF) police commando unit were responsible for scores of extrajudicial executions in the northeast. In June, a railway worker called Thillainathan was stopped by an army patrol near the railway track at Siththandikuddy, Batticaloa district. Soldiers took his

Concerns in 1991

identity card and threw it in a well. According to witnesses, they then ordered him to go down the well to retrieve it. When he climbed back up, one of the soldiers shot him in the head, apparently without any provocation. He died instantly.

Other extrajudicial executions took place in apparent reprisal for attacks on security forces personnel. One such incident took place on 12 June around noon, after two soldiers were killed in a land-mine explosion at Kokkadichchola, south of Batticaloa town. In retaliation, soldiers from the local army camp went on the rampage in the nearby villages of Mahiladithivu and Muthalaikuda, killing at least 67 civilians, including women and children. Seventeen villagers from Muthalaikuda, including a 16-year-old boy called Suthaharan, were taken to the site where the landmine exploded, forced to circle the crater three times and then shot. Their bodies were dumped in the crater and burned. In Mahiladithivu, an estimated 50 villagers were killed, including several women and children, one only eight-months-old. A presidential commission of inquiry into the incident was established but it had not reported by the end of the year.

Some of the victims of extrajudicial executions were people who have spoken out against violations committed by the security forces. On 12 April around 7pm, a group of soldiers came to the home of Mangaleswary Kanthasamy, a 34-year-old teacher at Nayanmar Thidal, Tampalakamam, Trincomalee district. They shot her, her 71-year-old father, 60-year-old mother and 2-year-old son and wounded two other children. Apparently, Mangaleswary Kanthasamy had a few days earlier complained at the local police station about harassment by army personnel. The soldiers responsible had subsequently been punished. It seems that the killing of the teacher and her relatives was carried out in retaliation for making the complaint. The local army commander was reported in July as having stated that the soldiers involved had been arrested. The incident had not been reported to him until several weeks later as villagers feared further reprisals.

In some areas of the east, members of unidentified groups wearing plain clothes and using unmarked vehicles abducted LTTE suspects, extrajudicially executed them and left their bodies in public places, often in a mutilated state. These operations were similar to those of the "death squads" linked to government forces which were a feature of the counter-insurgency drive against the JVP in the south during 1987 - 1990. For example, in late April headless bodies were found on several occasions in Batticaloa; in at least one instance a notice had been left near the body saying they had been killed by the "Black Cobras". The President of Sri Lanka reportedly personally intervened in this matter, and no further reports of human rights violations by the "Black Cobras" were afterwards reported from Batticaloa. In Trincomalee town, witnesses repeatedly reported abductions by an unknown group using a white van associated with the army.

Several hundred people reportedly "disappeared" in the east after arbitrary detention by government forces. The majority of them were feared to have been killed in custody, although some may be held in incommunicado detention. In Batticaloa town area alone, over 400 people reportedly "disappeared" between January and the end of November.

Muslim home guards and armed cadres of anti-LTTE militant Tamil groups operating alongside the security forces were also held responsible for human rights violations. On 25 September, Subramaniam Ketheeswaran was taken by a group of men believed to be connected to the Eelam People's Democratic Party (EPDP) from a refugee camp at Bambalapitiya, Colombo. His relatives made several inquiries at the EPDP main office in Colombo and on one occasion were told that Subramaniam Ketheeswaran had been

Concerns in 1991

taken away by members of the Tamil Eelam Liberation Organization (TELO - another group who oppose the LTTE and work alongside the security forces) and was taken to an army camp in Batticaloa. He was released in mid-November. The case of Kumaraguru Kugamoorthy, a Tamil radio producer and human rights activist who had "disappeared" after arrest in Colombo in September 1990 (see *Sri Lanka: Summary of Human Rights Concerns during 1990*, AI Index: ASA 37/02/91 of February 1991) remained unclarified despite widespread international appeals.

Torture appeared to be systematically used by the security forces operating in the northeast. Prisoners were allegedly burned with cigarette butts, kept buried up to their necks, had boiling water poured over their bodies, were beaten with belts or gun butts or cut with knives or had nails driven through the soles of their feet. Those who were released were often too afraid to testify about their treatment in detention, let alone take legal action. A local human rights organization reported several deaths in custody, allegedly as a result of torture. In June, four prisoners died in detention at Kiran and Morakkodanchenai as a result of torture.

4. Human Rights Concerns in the South

Extrajudicial executions in the southern part of the country continued to be reported, although on a reduced scale compared to previous years. In one incident reported in October, three young men from Dikkapitiya, Welimada in Badulla District were taken away from their homes by a group of people identifying themselves as police officers. Their bodies were later found burning in a culvert. At least two of them had been unconditionally released from detention a few months before their killing.

The practice of issuing death threats to people critical of the government or involved in legal action against the security forces continued. Lawyers and victims of human rights violations or their relatives who have cases pending in court against members of the security forces and even a judge of the Supreme Court were threatened with reprisals if they pursued certain cases. Four journalists, a trade unionist, several candidates during the local elections in May as well as the president of a large non-governmental organization involved in rural development were among others reported to have received such death threats.

"Disappearances" also continued to be reported from the southern part of the country. During the year, at least 32 such cases came to light. In some of these cases, the police claimed that the detainee had escaped from custody or had been released despite directives issued by the Inspector General of Police that prisoners should only be released into the hands of their relatives or responsible members of the community. In one such case, Nanayakkarage Don Mahinda Abeywickrama Gunaratne from Yatiyana in Matara district was initially arrested by an armed group said to be connected to a politician from the area. The arrest took place on 15 February in Colombo. The group took the prisoner to the Gandara police station in Matara district. Relatives were informed about this by the politician but were not allowed to visit N D M A Gunaratne at the police station. Later, relatives received information that he was no longer held there. When they made inquiries, they were told that he had been produced before Matara Magistrate's Court on 2 April and had subsequently been released. However, he failed to return home, and there are eye-witnesses who claim they saw him at a nearby police station two days later. Despite this, when relatives made inquiries on 29 May, the police authorities continued to claim that he had been released on 2 April. This "disappearance" is under investigation by the Presidential Commission of Inquiry into the Involuntary Removal of Persons (see below).

In January, one prisoner awaiting trial at New Magazine prison, Colombo died as a result of beatings with iron rods by one or more prison staff. Several investigations, including a magisterial inquiry, a police inquiry and an inquiry by the prison authorities were announced, the results of which had not been made public by the end of the year. In June, a person arrested on suspicion of being a member of the JVP died as a result of beatings with a wire, rubber belts and clubs at the Bulathsinhala police station. Four policemen and a home guard were taken into custody. The case against them is presently pending before the Matugama magistrate's court.

In March the three police officers accused of murdering Wijedasa Liyanarachchi in September 1988 were sentenced to suspended sentences and fines. The charges were changed from murder and conspiracy to murder to illegal detention and conspiracy to illegally detain. The judgement recommended that investigations be reopened to establish who was responsible for his death. Little progress was reported in other cases of prosecution of security forces personnel for human rights violations. In February, a

Concerns in 1991

proposal for the appointment of an independent commission of inquiry into the killing of Richard de Zoysa (see *Sri Lanka: Killing of Journalist Richard de Zoysa*, AI Index: ASA 37/06/90 of March 1990) was defeated in Parliament. In November, one of the police officers facing trial on charge of murdering 12 prisoners at Nittambuwa, Gampaha District in February 1990 (see *Sri Lanka: Extrajudicial Executions, "Disappearances" and Torture, 1987 to 1990*, AI Index: ASA 37/21/90 of September 1990) was killed inside the court room at Attanagalla magistrate's court.

More than 1,200 fundamental rights applications were filed in the Supreme Court by prisoners alleging they were illegally detained or subjected to torture. The court awarded compensation and ordered the release of 42 detainees it found to have been illegally detained or tortured. In May, a lawyer who had been appearing before the Supreme Court on behalf of detainees held at Boosa detention camp informed the court that six detainees had "disappeared" after they had started their legal action. Around the middle of the year, lawyers also expressed concern that several detainees remained in detention despite Supreme Court orders for their release and that the security forces delayed executing Supreme Court orders for compensation to be paid to victims of human rights violations. Towards the end of the year, this was rectified.

In November, the government announced that 1,080 people were in detention under the Emergency Regulations or Prevention of Terrorism Act in the northeast and 5,294 in the south. Throughout the year, reports of hundreds of arrests of LTTE and JVP suspects were received. Hundreds of prisoners held in the south since 1988 - 1990 continued to be detained for rehabilitation purposes under Emergency Regulation 18A and 10C. The administrative decision of sending detainees to rehabilitation camps rather than bringing them to trial is taken by the Ministry of Defence. There is no possibility of appeal against this decision. Lawyers have reported that the period of rehabilitation varies from three to 18 months, that the criteria on which decisions are made are not public and that detainees have no right to be represented by a lawyer at the time of the decision. Preventive detention under Emergency Regulation 17 (1) continued to be widely used. The Supreme Court ordered the release of several detainees held under this provision.

5. Government Initiatives

The government took some steps to promote and protect human rights. In October it invited the United Nations (UN) Working Group on Enforced or Involuntary Disappearances to visit the country. A Presidential Commission of Inquiry into the Involuntary Removal of Persons was set up in January to investigate cases of "disappearances" that occurred between 11 January 1991 and 11 January 1992. It established a Human Rights Task Force (HRTF) in July to maintain a central register of all people detained under the Prevention of Terrorism Act and Emergency Regulations and generally monitor their fundamental rights. The "Special Task Force" established in November 1990 (see *Sri Lanka: Summary of Human Rights Concerns during 1990*, AI Index: ASA 37/02/91 of February 1991) to monitor the human rights situation and respond to international expressions of concern was renamed the Officials Committee.

Two Amnesty International delegates attending a conference on trade unions and human rights in South Asia held in Colombo in March held preliminary talks with officials on future access and the the government's initiative to promote and protect human rights. In June an Amnesty International delegation visited Sri Lanka to hold discussions with government officials, conduct research and meet human rights activists and organizations. This was the first such visit permitted by the authorities since 1982. The International Committee of the Red Cross (ICRC) and the UN High Commission for Refugees continued

Amnesty International January 1992AI Index: ASA 37/01/92

Concerns in 1991

their activities in the country.

In December, the government announced that it would bring into effect 30 of the 32 recommendations made by Amnesty International in a report in September. The two recommendations which were found not to be acceptable were the extension of the mandate of the Presidential Commission of Inquiry into the Involuntary Removal of Persons to include "disappearances" that occurred prior to 11 January 1991 and the repeal of the Indemnity (Amendment) Act, which provides immunity from prosecution for government and security force members, government servants and others involved in enforcing law and order, provided that their actions were done "in good faith". The act applies to the period from 1 August 1977 to 16 December 1988.

6. Amnesty International's Recommendations and Actions in 1991

In oral statements to the United Nations Commission on Human Rights in February and its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its serious concerns over continuing extrajudicial executions and "disappearances" throughout the country and the almost total sense of impunity with which members of the security forces operate.

In January, Amnesty International commented on proposed amendments to the fundamental rights chapter of the Constitution. A parliamentary debate on the matter was postponed and in September a new draft of the proposed amendments was made public. Although some of the comments made by Amnesty International on the initial draft were incorporated in the second one, other parts of the proposed amendments continue to fall short of relevant international standards, in particular the International Covenant on Civil and Political Rights. Equally, comments made in April by members of the UN Human Rights Committee were not fully taken into account, despite assurances to that effect by the Attorney-General.

Amnesty International monitored the work of the Presidential Commission of Inquiry into the Involuntary Removal of Persons, which started public hearings in August. It repeatedly called upon the government to extend the mandate of the Presidential Commission to include the many thousands of "disappearances" which occurred prior to January 1991 and made other recommendations to strengthen its work and that of the HRTF. It was particularly concerned that people in the northeast and in rural areas be given greater access to these bodies.

Amnesty International requested information from the Minister of Justice about investigations into the death of a prisoner at New Magazine prison, Colombo in January. No reply was received.

In September, Amnesty International published a document, *Sri Lanka - The Northeast. Human rights violations in a context of armed conflict*, documenting its concerns relating to both government forces and the LTTE since June 1990. It welcomed the Sri Lankan government's announcement in December that most of the recommendations made in this report are to be implemented. Amnesty International is looking forward to learning the details of the planned implementation.

Concerns in 1991

Appendix: List of Amnesty International documents on Sri Lanka issued in 1991

Sri Lanka: Proposed amendments to the constitution affecting fundamental rights

AI Index ASA 37/01/91

February 1991

Sri Lanka: Summary of human rights concerns during 1990

AI Index ASA 37/02/91

February 1991

Sri Lanka: Commission of inquiry announced to investigate new cases of "disappearance"

AI Index ASA 37/04/91

February 1991

AI's correspondence with the Sri Lanka Government on opposition violence

AI Index ASA 37/10/91

March 1991

Sri Lanka: Update on Commission of inquiry to investigate new cases of "disappearance"

AI Index ASA 37/12/91

April 1991

Amnesty International's current concerns in Sri Lanka

AI Index ASA 37/07/91

May 1991

Sri Lanka: The Northeast: Human rights violations in a context of armed conflict

AI Index ASA 37/14/91

August 1991

Sri Lanka: Unresolved "disappearances" from the period 1987 - 1990: the case of Sevana Army Camp

AI Index ASA 37/18/91

November 1991