

AMNESTY INTERNATIONAL

£SRI LANKA @SUMMARY OF HUMAN RIGHTS CONCERNS DURING 1990

February 1991

SUMMARY

AI INDEX: ASA 37/02/91
DISTR: SC/CO/PO

This document summarizes Amnesty International's concerns about continuing human rights violations in Sri Lanka during 1990. It describes reports of thousands of "disappearances" and extrajudicial executions by government forces in the northeast. An unknown number of others were detained in the area. The Liberation Tigers of Tamil Eelam (LTTE) were reported to have killed hundreds of civilians and prisoners, including policemen who had surrendered. In the south, "disappearances" and extrajudicial executions continued to be committed by government forces and "death squads" linked to them, but on a lesser scale than in 1989. At the end of the year, about 9,000 political prisoners remained in detention without trial for alleged connections with an armed Sinhalese opposition group. The government took no steps to clarify the fate of the many thousands of people who had "disappeared" in the south since 1987, nor of over 680 people who "disappeared" in the northeast in previous years.

This summarizes an eight-page document, Sri Lanka: Summary of Human Rights Concerns during 1990 (AI Index: ASA 37/02/91), issued by Amnesty International in February 1991. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

EXTERNAL (for general distribution)

AI Index: ASA 37/02/91

SC/CO/PO

Distr:

No. of words:

 Amnesty International
 International Secretariat
 1 Easton Street
 London WC1X 8DJ
 United Kingdom

February 1991

**SRI LANKA:
 SUMMARY OF HUMAN RIGHTS CONCERNS DURING 1990**

1. Introduction

Thousands of people "disappeared" or were extrajudicially executed in the northeast by government forces, many being tortured and then killed in custody. An unknown number of others were detained in the area. The Liberation Tigers of Tamil Eelam (LTTE) were reported to have killed hundreds of civilians and prisoners, including policemen who had surrendered. In the south, "disappearances" and extrajudicial executions continued to be committed by government forces and "death squads" linked to them, but on a lesser scale than in 1989. At the end of the year, about 9,000 political prisoners remained in detention without trial for alleged connections with an armed Sinhalese opposition group. The government took no steps to clarify the fate of the many thousands of people who had "disappeared" in the south since 1987, nor of over 680 people who "disappeared" in the northeast in previous years.¹

2. Background

Indian troops, who had been responsible for the security of the northeast since July 1987, completed their withdrawal by late March. Following heavy fighting with rival Tamil groups, the Liberation Tigers of Tamil Eelam (LTTE) -- the "Tamil Tigers" -- took control of Northeastern Province and continued negotiations with the Sri Lanka Government about the future administration of the province. Members of the Eelam People's Revolutionary Liberation Front (EPRLF) and allied groups, who had controlled the provincial council under Indian patronage, fled the area.

In June the LTTE captured numerous police stations in the east and took prisoner hundreds of police officers who surrendered (see also below). Fighting ensued between government forces and the LTTE, who evacuated major towns in the east as government forces moved in. Most of the Jaffna peninsula, where about 200 government

¹The government announced the establishment of a commission of inquiry to look into future reports of "disappearances" in mid-January 1991. See Sri Lanka: Commission of Inquiry Announced to Investigate New Cases of "Disappearance" (AI Index: ASA 37/04/91) of February 1991.

soldiers and police remained besieged in Jaffna fort until September, remained in LTTE control at the end of the year.

In October the LTTE issued an ultimatum to Muslims in Mannar, Mullaitivu, Kilinochchi and Jaffna districts to leave the area or be killed: tens of thousands fled.

In the south, the government said in January that it had destroyed the armed opposition *Janatha Vimukthi Peramuna* (JVP), People's Liberation Front. According to government figures, the JVP had murdered 6,517 people between late 1987 and March 1990. There were markedly fewer reports of killings by the JVP than in 1989. However, when 15 members of a village "vigilance committee", which had reported on suspected subversives to the security forces, were murdered in Matara District in July, the killings were attributed by the government to the JVP.

3. Human Rights Concerns in Northeast

3.1. Reports of Extrajudicial Executions by Government Forces

Government forces in the northeast reportedly committed thousands of extrajudicial executions of defenceless civilians in areas they had regained, using counter-terror tactics similar to those employed in the south in 1989. Victims were reportedly shot, bayoneted, stabbed or hacked to death; some were said by witnesses to have been burnt alive. In eastern areas, besides helping the army round up suspects, Muslim Home Guards also reportedly committed extrajudicial executions.

Victims' bodies were regularly left in the open. The identities of many remained unknown; others, presumably killed in custody, were identified as people who had been detained by security forces days earlier. Some had been burnt beyond recognition or mutilated. In Amparai District, where the Special Task Force (STF), a police commando unit, was especially active, bodies - some without heads - began to be washed up on the beaches from September.

During the army attack on Kayts and Mandaithivu islands to the west of the Jaffna peninsula on 22 August and following days, soldiers were reported by witnesses to have deliberately shot innocent civilians in their houses or who had taken refuge in air raid shelters. One eye-witness reported how a whole family, including a 55-year-old man, his 49-year-old wife, their two sons and one daughter were shot in their home along West Street, Kayts by members of the fourth or fifth army unit that arrived. Some army units were also accused of taking away civilians from refugee camps whose bodies were later found down the road with multiple stabbing wounds in the neck.

In Amparai District alone at least 3,000 Tamils were reportedly killed or "disappeared" between June and October, many of whom were believed to have been victims of extrajudicial execution. In Batticaloa and Vavuniya, too, widespread extrajudicial executions were reported after government troops moved in.

Reprisal killings of Tamil civilians by Muslim groups in the east, some of whom were apparently armed by the government, were

reported in August after hundreds of Muslim civilians were killed, apparently by the LTTE.

The security forces and government alike refused to acknowledge that many defenceless people had been deliberately killed. Government statements referred only to atrocities committed by the LTTE and the deaths in combat of "Tamil Tigers" and security forces personnel.

3.2. Reports of "Disappearances", Arbitrary Arrest and Detention by Government Forces

Thousands of men and women reportedly "disappeared" in the northeast after widespread arbitrary detentions by government forces, and were feared to have been killed in custody. Victims included babies only months old with their mothers, children under ten and men and women over 70 years-old. In Batticaloa town alone over 1,200 people had reportedly "disappeared" between June and October.

Among those who "disappeared" in the Amparai area were several Tamil policemen who had been released by the LTTE in June but who were arrested later that month by the STF apparently with the assistance of local Muslim homeguards. The body of a Tamil policeman who had earlier been captured and released by the LTTE was recognized among six bodies found outside Kalmunai hospital at the end of June after government forces had regained control over the town on 21 June.

Government security forces often refused to acknowledge individual detentions and the authorities, despite widespread detentions of Tamils, did not disclose how many political prisoners were being held in the northeast nor whether any had been charged. Any person suspected of contact with the LTTE, including even minimal contact during the period the LTTE controlled the area, was at risk of detention, "disappearance" or extrajudicial execution. Members of Tamil and Muslim armed groups which opposed the LTTE aided the security forces in identifying LTTE suspects, and in some areas the armed cadres of certain Tamil groups were deployed alongside government security forces.

3.3. Reports of Abuses by the LTTE

In the northeast the LTTE were allegedly responsible for hundreds of killings, including the murder of many hundred Sinhalese and Muslim civilians. For example, in August the LTTE reportedly killed 27 Sinhalese civilians who they dragged from a bus near Trincomalee and about 140 Muslim worshippers in mosques at Kattankudy.

The LTTE also reportedly tortured and killed prisoners², killed or imprisoned numerous members or sympathizers of rival Tamil groups and imprisoned Tamil and Muslim civilians for ransom. The relative of one young man who has been held by the LTTE since April 1990 wrote to Amnesty International that he had not been able to see his son but that he has been made to understand that he, along with members of the EPRLF who had been taken prisoner by the LTTE, is forced to construct bunkers.

Among those killed in LTTE custody were 113 policemen from nine police stations in Batticaloa and Amparai districts who had surrendered to the LTTE on 11 June. One policeman from Kalmunai police station who had managed to escape with injuries reported how all of them had been blindfolded, their hands tied behind their backs, taken into the jungle south of Tirrukkovil, forced to lie on the ground and shot by local LTTE cadres. Further killings of surrendered policemen took place in Trincomalee district. For instance, on 13 June LTTE cadres who had taken over Kinniya police station shot dead 24 Sinhala policemen inside the station after having ordered their Tamil and Muslim colleagues to come out. The total number of policemen killed in LTTE custody is believed to number several hundred. Not all of those taken into captivity were killed, however. Some Tamil policemen among them were reported to still be in the custody of the LTTE at the end of 1990, and some were released³.

Outside the northeast, the LTTE was widely suspected of responsibility for the assassination in Colombo of Sam Thambimuttu,

²Common Article 3 of the Geneva Conventions lays down a number of minimum provisions for the humane treatment of prisoners taken in armed conflicts not of an international character, such as is presently taking place in the northeast of Sri Lanka. It for instance prohibits the killing and torture of any persons taking no active part in hostilities and those placed hors de combat as well as the taking of hostages and any humiliating and degrading treatment. It also expressly forbids the carrying out of executions "without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples". The LTTE in February 1988 informed the United Nations and the International Committee of the Red Cross that it would abide by the provisions of the Geneva Conventions and the Optional Protocols I and II. The government of Sri Lanka ratified the Geneva Conventions in 1959.

³ At the time of writing, AI learnt that on 10 January 1991 delegates of the International Committee of the Red Cross visited 43 policemen in LTTE custody in an unspecified place in the Jaffna peninsula. They had been taken prisoner in June 1990. One of the 43 was reportedly released on request of the ICRC as he was in need of medical assistance.

an EPRLF member of parliament, in May and for the murders in Madras, India, of 14 EPRLF central committee members in June.

4. Reports of Human Rights Violations in the South

4.1. Reports of Extrajudicial Executions

In the predominantly Sinhalese south, hundreds of extrajudicial executions and "disappearances" were reported, though this represented a marked reduction from 1989. In June, scores of corpses were found near former army camps, apparently the bodies of prisoners killed at the camps before troops were redeployed to the northeast. Bodies of suspected victims of extrajudicial execution continued to be found in the following months.

The magisterial inquiry into the killing of Richard de Zoysa, a journalist who had reported on human rights issues, was discontinued in August and no action was taken against the police officer allegedly involved. Richard de Zoysa's mother and her lawyer both received death threats in May when they pressed for a full inquiry into his murder, and two police officers guarding the lawyer were also warned to leave him or face death. Other human rights defenders were also at risk: at least five members of parliament who had raised human rights cases received death threats. In September Kumaraguru Kugamoorthy, a radio producer and human rights activist, "disappeared" after being abducted in Colombo by an armed group believed to be connected with the security forces. His whereabouts remained unknown at the end of the year.

4.2. Reports of "Disappearances", Arbitrary Arrest and Detention

"Disappearances" continued to be reported throughout the year from the south following detentions by uniformed police officers and abductions by plainclothes squads believed to be attached to the security forces. The victims included former JVP suspects who had previously been detained but then released, and young Tamil men apparently suspected of links with the LTTE. In Colombo and elsewhere hundreds of young Tamil men were detained by both uniformed and plainclothes personnel following the outbreak of hostilities in the northeast in June. Many were released after questioning but at least seven reportedly "disappeared". The Eelam People's Democratic Party, an anti-LTTE Tamil group, reportedly detained and interrogated suspects in Colombo themselves with the assent of the government, before handing them to the police.

Detentions of JVP suspects continued in the south. Suspects' relatives were at times detained in place of the wanted person. In one reported case a six-year-old child was detained in October by Kuliyaipitiya police who had sought the father as a JVP suspect. The child was later released and the father arrested. The father spent one month in detention before his arrest was acknowledged.

4. Government Initiatives and Trials

The government took no steps to investigate the many thousands of "disappearances" reported in recent years. Evidence mounted during 1990 of the massive scale of "disappearances" and extrajudicial executions committed in 1988 and 1989, which is now believed to number tens of thousands. In September, police confiscated details of 533 "disappearances" from an opposition member of parliament

who was about to take them to a meeting of the United Nations Working Group on Enforced or Involuntary Disappearances in Geneva. The papers were returned to him in October after he filed a petition in the courts alleging infringement of his fundamental rights.

In January the government announced that detainees held without charge or trial in the south under Emergency Regulations would be screened for involvement with the JVP. Criminal charges would be brought where there was evidence of serious involvement; those marginally involved would be released on probation; those believed to have been involved but against whom there was no evidence would remain in detention for "rehabilitation", though the legal basis for such rehabilitation was unclear. At the end of the 1990 about 9,000 prisoners remained in detention without trial.

In February President Premadasa repealed Emergency Regulation 55FF which had permitted police to dispose of bodies without post-mortem or inquest. However, the remaining Emergency Regulations still enabled security forces to dispose of bodies secretly and extrajudicial executions continued. Several other regulations were repealed or amended, but the emergency remained in force at the end of the year.

In December, the government published proposed amendments to the fundamental rights chapter of the constitution. The amendments are yet to be debated and voted on by parliament. At first sight, the proposed amendments would strengthen and extend the scope of fundamental rights protection in Sri Lanka. However, they also provide for the restriction of many rights, including in many cases under emergency regulations as well as under other laws. Restrictions would be possible on certain fundamental rights from which, under Article 4 of the International Covenant on Civil and Political Rights, there can be no derogations in any circumstances. This includes the prohibition on retroactive penal legislation, which under the proposed amendments could be restricted in the interests of national security or of public order.⁴

Charges were brought against security forces personnel for extrajudicial executions in only few cases. None were known to have been charged in connection with "disappearances". Among those charged were eight police officers, who were charged with the murder of 12 prisoners at Nittambuwa, Gampaha District, in February. A prisoner who survived with injuries witnessed the executions in a jungle clearing, and next morning led people to the site, where the naked and charred bodies of the victims were found. The case was widely publicized, and an inquiry was held.

The trial of three police officers accused of murdering Wijedasa Liyanarachchi in September 1988 continued without conclusion.

Five people charged under the Prevention of Terrorism Act (PTA) and Emergency Regulations with a grenade attack on the parliament building in August 1987 and other offences were acquitted. The court

⁴ See Sri Lanka: Proposed Amendments to the Constitution affecting Fundamental Rights of January 1991 (AI Index: ASA 37/01/91) for AI's comments in relation to the specific human rights concerns which AI has raised in Sri Lanka.

found that their confessions had not been made voluntarily. On their release in December, two of the defendants were immediately detained under a fresh detention order and the state filed an appeal against the judgment.

The Supreme Court awarded damages to several victims of illegal detention and torture, including in April to a lawyer who had been illegally detained in 1987 for 10 months, and in July to a 16-year-old girl who had been been illegally detained and tortured in 1988. There were reports of the intimidation of people who had filed fundamental rights petitions.

4. Amnesty International's Recommendations and Actions in 1990

Throughout the year Amnesty International urged the government to implement effective safeguards against extrajudicial executions, "disappearances" and torture in all areas of the country. It urged that independent commissions of inquiry be established into reported extrajudicial executions and "disappearances", that those found responsible be brought to justice and that victims or their relatives be compensated.

In May Amnesty International called for an immediate halt to illegal killings and incommunicado detention by forces of the LTTE. It also asked for assurances regarding the safety of several police officers and an Assistant Government Agent of Jaffna who were detained by forces of the LTTE at the end of October or beginning of November 1990. No reply had been received by the time of writing.

In oral statements to the United Nations (UN) Commission on Human Rights and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Amnesty International included reference to its concerns in Sri Lanka about extrajudicial executions and incommunicado detention under Emergency Regulations and the PTA.

In September Amnesty International published a major report, *Sri Lanka: Extrajudicial Executions, "Disappearances" and Torture, 1987 to 1990*, which covered the period to June 1990, and a further report including new violations committed by both government forces and the LTTE which had occurred in the northeast since June. Amnesty International publicly urged the government to take action to halt the longstanding pattern of gross human rights violations and introduce effective safeguards for human rights.

In December Amnesty International expressed concern that a "Special Task Force" created by the government in November to "monitor and deal effectively with all violations of human rights" was not an independent body, and that its objectives placed too great an emphasis on countering international expressions of concern about Sri Lanka's human rights record, rather than on the full investigation and remedy of past and continuing violations.

In January two government ministers claimed publicly that Amnesty International was a "terrorist organization" which had funded JVP propaganda, but when challenged to do so they could produce no evidence to support this false allegation.

In December a letter to Amnesty International from a presidential adviser was published in a Colombo newspaper which

argued that "when security forces have to deal with terrorist groups ... excesses are bound to occur".

Amnesty International told the government several times of its wish to send a delegation to Sri Lanka to discuss its concerns, but there was no response.