

ESRI LANKA

@BALANCING HUMAN RIGHTS & SECURITY: ABUSE OF ARREST & DETENTION POWERS IN COLOMBO

"No person shall be arrested except according to procedure established by law."
Article 13(1), Constitution of the Democratic Republic of Sri Lanka

1. Introduction and summary

Thousands of Tamil people are being arrested every month in Colombo, most without any valid reason. According to government figures, there were 15,000 arrests in Colombo under emergency legislation between 1 June and 31 December 1993, in an almost continuous security operation.

In many cases families who have not been notified of the arrest desperately search for their missing relative, fearing they have "disappeared".

The army and armed groups working with the government have abducted some people and held them in secret places of detention for up to two and a half months, where they have been tortured before being dumped on the side of the road or transferred to police custody.

People arrested by the police are usually detained until their identity and background is checked in central records. Most are released within 24 hours, or at least within two to three days. A significant number are held for weeks or even months. They are rarely told why they have been detained. Some agencies routinely beat detainees to extract confessions. Detainees are often interrogated in a language they cannot speak, forced to sign statements they cannot understand and held in grossly overcrowded cells. After being released they are at risk of being repeatedly rearrested, most likely to be released each time without charge and without ever knowing why they were detained.

The indiscriminate round-ups of people solely because of their ethnic origin, and reports of their treatment in custody, is making many members of the Tamil community fearful that they are not safe to walk the streets of Colombo.

Echoes of the past: dangers of not implementing safeguards

The Government of Sri Lanka is risking the safety of these detainees by failing to implement safeguards which exist on paper in law or as political commitments. The way in which people are being arrested and detained is reminiscent of the manner in which thousands of people were detained in the south between 1988 and 1990, when the government was seeking to suppress an insurgency within the majority Sinhalese population by the *Janatha Vimukhti*

Peramuna (JVP, People's Liberation Front)¹. The way in which people have been recently abducted in Colombo by army in civilian dress, blindfolded with their own shirts and taken away in unmarked vehicles to secret locations where they are tortured, is a particularly chilling echo of the past.

It is the lack of proper procedural safeguards on arrest and detention which enabled tens of thousands of people to "disappear" in custody between 1988 and 1990, never to be seen again. Human rights are especially at risk when there are large scale arrests and if the door is to be kept firmly locked against a new wave of "disappearances" and extrajudicial executions, procedural safeguards must be rigorously observed in all cases.

Amnesty International mission to Colombo

Amnesty International visited Colombo in January 1994 to investigate the arrest and detention of Tamil people in the city, particularly since June 1993. The delegate conducted extensive interviews with detainees and released prisoners, as well as their families, and met with lawyers, parliamentarians and human rights organizations. He had discussions with the Chairman of the Human Rights Task Force (HRTF), which has responsibility for registering detainees and reviewing their welfare.

The delegate also met with the Presidential Adviser on International Affairs, the Secretary of the Ministry of Defence (Defence Secretary), the Inspector General of Police (IGP) and the Deputy Inspector General of Police for Colombo (DIGP-Colombo), as well as the Commissioner and Deputy-Commissioner of Prisons. Amnesty International appreciates the openness with which its delegate was received by government officials and the readiness with which officials supplied most of the information requested.

2. Government commitments on human rights safeguards

The Sri Lankan Government has legally and politically bound itself to implement a range of safeguards against human rights violations such as "disappearance", torture, extrajudicial killings and arbitrary detention. In particular:

◆ The President issued a new set of Emergency (Miscellaneous Provisions and Powers) Regulations on 17 June 1993 (the Emergency Regulations or ER). Although Amnesty International is still concerned about the broad powers of arrest and detention under these regulations², they do include a number of important safeguards which would help to protect detainees in Colombo if observed.

¹ See *Sri Lanka: Extrajudicial executions, "disappearances" and torture, 1987 to 1990*, AI Index: ASA 37/21/90, September 1990.

² For an analysis of the new regulations and Amnesty International's continuing concerns, see *Sri Lanka: New emergency regulations*, AI Index: ASA 37/04/94, January 1994.

◆ At a meeting with Tamil political leaders on 10 June 1993 Prime Minister Ranil Wickremasinghe and police and defence officials, agreed to several measures aimed at addressing Tamil complaints about arrest and detention in Colombo³. President Dingiri Banda Wijetunga met Savunyamoorthy Thondaman, leader of the Ceylon Workers Congress and Minister of Tourism and Rural Industrial Development in the central government, on 29 June 1993 and agreed to even more extensive safeguards.

◆ In 1991 the government publicly accepted 30 of the 32 recommendations for human rights safeguards made by Amnesty International in September 1991, a number of which would address the problems in Colombo if fully implemented. The government also publicly accepted the recommendations for the prevention of "disappearances" made by the United Nations Working Group on Enforced or Involuntary Disappearances in January 1992 following its visit to the country in October 1991.

◆ Sri Lanka has been a State Party to the United Nations International Covenant on Civil and Political Rights (the ICCPR) for more than 10 years and has recently acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁴ (the Convention against Torture). It is legally bound to implement the human rights safeguards required by these treaties.

These commitments were the starting point for Amnesty International's assessment of the human rights situation in Colombo.

3. Balancing human rights and security during a state of emergency

Under international law, particularly article 4 of the ICCPR, Sri Lanka may take special measures to deal with a crisis which threatens the organized life of the nation. While some human rights, including the rights to freedom from torture and arbitrary deprivation of life, may never be suspended under any circumstances, other rights may be temporarily suspended. However, because a state of emergency should be an extension of the rule of law, not an abrogation of it, these other rights may be suspended only to the extent strictly

³ According to press reports the Tamil delegation represented most of the major non-LTTE Tamil parties: the All Ceylon Tamil Congress (ACTC), People's Liberation Organization of Tamil Eelam (PLOTE), Eelam People's Revolutionary Liberation Front (EPRLF), Tamil Eelam Liberation Organization (TELO), Eelam Revolutionary Organization of Students (EROS) and Tamil United Liberation Front (TULF). The Defence Secretary, the IGP and DIGP-Colombo were also present.

⁴ Sri Lanka acceded to this convention on 3 January 1994.

required by the exigencies of the situation (article 4(1), ICCPR). The government must assess whether other measures having a lesser impact on human rights would be sufficient to achieve the same legitimate goal (principle of necessity) and whether every measure is a proportionate response to the crisis being tackled (principle of proportionality)⁵.

In the northeast the government is fighting the Liberation Tigers of Tamil Eelam (LTTE), an armed, secessionist Tamil group. The conflict in the northeast is sometimes reflected in violence in Colombo⁶. Several political and military leaders have been assassinated in the city in the last three years, including the Minister of State for Defence Ranjan Wijeratne, the Navy Commander Vice-Admiral Clancy Fernando and President Ranasinghe Premadasa, who was assassinated on 1 May 1993. Police attributed all these assassinations, as well as that of opposition leader Lalith Athulathmudali on 23 April 1993, to the LTTE.

Amnesty International does not question the right of the government to take extraordinary measures to prevent further attacks in Colombo⁷. However, as described above, the government is obliged to assess whether each emergency power - in law and in practice - is strictly necessary and whether it is a proportionate response to the problem.

Furthermore, article 4 of the ICCPR prohibits any emergency measure which involves "discrimination solely on the ground of race, colour, sex, language, religion or social origin". Amnesty International believes that the indiscriminate nature of the large scale arrests, during which thousands of people have been arrested solely because of their ethnic origin, is unjustified and in breach of the ICCPR. The organization believes that security forces can be given the freedom to tackle a security threat in a manner compatible with guaranteeing basic human rights. It is also important to note that Sri Lanka has not formally suspended the right to freedom from arbitrary arrest - a right which is still enshrined in article 13(1) of the Sri Lankan Constitution.

The patterns of arrest and detention also violate Sri Lanka's own emergency laws and the government's political commitments. Under the Emergency Regulations a person may only be detained if there are reasonable grounds for suspecting that he or she has committed an offence under the regulations (ER18(1)) or if it is necessary to prevent the person committing certain specified acts (ER17).

⁵ For an explanation of the principles of necessity and proportionality, see annual reports of the United Nations Special Rapporteur on states of emergency, particularly his draft "Guidelines for the Development of Legislation on States of Emergency", E/CN.4/Sub.2/1991/28, Annex 1, page 37.

⁶ The term "northeast" refers to what is presently the Northeastern Province, including the districts of Jaffna, Kilinochchi, Mullaittivu, Vavuniya, Mannar, Trincomalee, Batticaloa and Amparai. "The south" refers to all other areas of the island.

⁷ Except for a five month period between 11 January 1989 and 19 June 1989, Sri Lanka has been under a state of emergency since 18 May 1983. The Emergency Regulations set out most of the special powers given to security forces to deal with the security threat.

President Dingiri Banda Wijetunga, during his meeting on 29 June 1993 with a Tamil government minister, agreed that "no person should be taken into custody on suspicion without grounds for such suspicion merely because He/She is Tamil. It should be based on a report of suspicion by some agency or on circumstances for suspicion."⁸

Government officials told Amnesty International that the security operations in Colombo would continue. On the one hand, officials insisted that people are only arrested if there are "valid reasons". On the other hand, the IGP explained that the strategy is to randomly arrest people and then to check their identity. Officials argued that although the round-ups do cause problems, these are justified in the greater interest of ensuring security. "We have no option", the Defence Secretary told Amnesty International. It is this indiscriminate character of the arrests, not based on concrete information about specific suspects, which violates international law, the Emergency Regulations and the government's political commitments.

"Drying up the sea to catch some fish"

The detailed statement of **Baskaran**, a Tamil journalist from Jaffna who has lived in Colombo for seven years, was printed in the Sinhala language newspaper *Yukthiya* on 25 July 1993. He was arrested and detained by Dehiwala police and released after being produced before a magistrate. "*When one looks at the activities of the state*" he comments "*it becomes clear that all Tamils are considered to be terrorists*". He continues:

"Take my arrest as an example. When the police entered my room they did not know who they would find there, persons of which colour or gender. All they knew was that there was a Tamil man there. It was only once they were inside the room that they were able to find out my age, address and so on. They took me into custody on the basis that they had 'grounds for suspicion'. The only grounds for suspicion were that I was a Tamil man. I was able to answer all the questions they asked of me...But in their charge sheet they said that I was unable to clarify why I was living in Colombo on a temporary basis...I was arrested even after I had shown the police my identity papers and other proof of my residence...The police are in fact not interested in any of our clarifications."

He concludes:

"...the police have begun acting in this irresponsible manner, in the belief that by arresting Tamil people in their droves they would be able to uncover those who are guilty of certain crimes. It is as if they are trying to dry up the sea to catch some fish."

⁸ *Congress News*, June-July-August 1993, p.10.

4. Patterns of arrest and detention in Colombo

Government figures

During Amnesty International's mission to Colombo the government collated records which showed that 15,711 arrests were made in Colombo District between 1 June 1993 and 31 December 1993 under the Emergency Regulations or Prevention of Terrorism Act (PTA). It is clear that almost all of these people were Tamil. The figures show that an average of 2,244 people were arrested each month in Colombo since June last year, with the highest number of arrests in September-October:

<u>Month 1993</u>	<u>No. of arrests under ER or PTA in Colombo</u>
June	1,641
July	1,526
August	2,099
September	2,519
October	3,464
November	2,410
December	2,052
Total	15,711 ⁹

The true number of arrests may be higher if people were arrested without the necessary paper work being completed. According to the government, in only 1,311 (8%) cases was there sufficient evidence to continue holding the person by issuing a detention order under the Emergency Regulations and in 18 (0.1%) cases a detention order was issued under the PTA. The small number of cases in which there appears to be any evidence of wrongdoing is highlighted by the fact that out of the total of 15,711 arrests, in only 17 (0.11%) cases have charges so far been laid, though because of delays in the system it is not known how many of the 193 people the government says were still detained in police stations and prisons as at the end of January, will be indicted in the future.

When and where do the arrests occur?

The arbitrary arrest of Tamil people in Colombo is not new. There have been waves of such arrests in previous years, particularly after assassinations or other attacks, like that on the

⁹ This figure compares with the official figure of 22,950 arrests in Colombo under the ER and PTA in the entire 1993 calendar year and 13,414 in 1992. In providing these figures the government pointed out that the estimated population of Colombo District in 1992 was 1,994,000 and that the Tamil population of the city may have increased to 350,000.

Joint Operation Command Headquarters in Colombo in June 1991. But since mid-1993, this pattern has intensified, as the figures above demonstrate.

In 1993 the waves of arrests escalated soon after elections to provincial councils had been held in June 1993. Thousands were arrested, apparently in connection with investigations into the assassinations of Lalith Athulathmudali and President Ranasinghe Premadasa and with reports that the LTTE had infiltrated the city.

The largest wave of arrests in 1993 began on 15 October following a statement by the Defence Ministry that a body-bomb (to be worn by a suicide bomber) had been found on a beach at Modera, north Colombo, on 14 October. The bomb was said to be of the type used to kill both former President Premadasa and the former Indian Prime Minister, Rajiv Gandhi, in 1991. Over 3,000 people were arrested in October. Many of the reports of mass round-ups, of prisoners being tortured and held in secret places of detention, of families desperately searching for missing relatives who were eventually found in custody, date from this month. Many became fearful that people would again "disappear" as had happened in huge numbers only a few years previously in the south during the campaign which suppressed the JVP.

Many Tamil people are long-standing residents of Colombo. Others come to the capital on business, to visit friends or relatives and to arrange travel abroad. Many live, often for months or years, in large hostels or lodges in predominantly Tamil areas of the city. The police regularly visit these lodges, arrest several people and detain them at the local police station. Sometimes the police, supported by the army, systematically search from house to house in one or more of these Tamil areas, arresting scores or hundreds in a single operation. Areas in which a large number of the arrests have been made include Kalubowila, Dehiwala, Kirilapone, Wellawatta and Mount Lavinia in the south, and Pettah, Kotahena, Maradana and Modera in the north of the city.

Tamil people are also arrested while walking along public streets and when vehicles are stopped at police or military checkpoints. Buses entering the city are also often stopped, the identity documents of every passenger checked and some arrested.

The majority of people are arrested by the police and detained at the local police station. However, some have also been arrested or detained by specialised agencies: a police commando unit called the Special Task Force (STF), the Criminal Investigation Department (CID), the Crime Detection Bureau (CDB) and the armed forces (army, navy and air force).

Who is at risk of arrest?

Tamil people are particularly at risk of being arrested if they are young men, if they have recently arrived in Colombo, if they do not have a job or family in Colombo, if their identity documents were issued in the northeast, or if they are not carrying identity documents. People who do not have a national identity card, such as some from Jaffna who have lost their card and have been unable to obtain a replacement, or some from the tea estate areas

of the hill country who have not been issued with a card, are particularly vulnerable to arrest¹⁰.

Amnesty International has also interviewed many Tamil men who were arrested even though they could demonstrate long-standing residence and employment in Colombo and possessed proper identity documents.

Thuraisingam Antony Jeganathan is a 31-year-old journalist has worked with the Sri Lanka Broadcasting Corporation (SLBC) since shortly after he arrived in Colombo from Mannar in north Sri Lanka in 1990. On 2 December 1993 armed police raided the lodge in Pettah where he and his newly married wife were temporarily staying. He was arrested despite producing his national identity card, SLBC identity card and two credit cards. He invited the police to verify the information with the Chairman of SLBC. At Pettah Police Station the police refused on several occasions to telephone his employer. Thuraisingam Antony Jeganathan was released at 9am on 4 December without being accused of any crime and without being brought before a magistrate. When asked why he had been arrested, the police replied "on suspicion". He was arrested again on the night of 18 December by officers from the same police station, even though he explained about the previous arrest and quoted the police reference number for the statement he had signed. He was released the following day at 11.30am without being told the reason for the arrest.

One **29-year-old Tamil man** who was born in Colombo but had studied at Jaffna University, was arrested by Dehiwala police in June last year from the house where he was renting a room. He was arrested even after showing his employment identity card and national identity card (which showed his address as Jaffna) and giving explanations in both Sinhala and English. When he was taken before a magistrate two days later the police alleged that he and 19 other detainees were LTTE suspects. The magistrate granted bail and two weeks later discharged him completely because there was no evidence to substantiate the claim. Speaking to Amnesty International he said, "there is a kind of helplessness; just because you have an identity card which says Jaffna, it is enough to be arrested". He went on "if this is the treatment given to me - and I am employed in the respectable sector - you can imagine what treatment they give to others at lower levels".

Amnesty International has also received reports about some people visiting, or returning permanently, from overseas who have been arrested, without apparent justification, and released without being told the reason for the detention.

Suntharamoorthy Mahathevan, a 26-year-old man from Jaffna who has been working in Saudi Arabia since 1990, reportedly spent more than two months in detention after he returned to Sri Lanka for a holiday at the end of May 1993. He was first arrested on 9 June by Pettah police, remanded to Welikada Prison and released by a magistrate on 22 June. He was rearrested on the same day and detained at Pettah Police Station until 18 August

¹⁰ It is mandatory for Sri Lanka citizens and foreigners permanently resident in the country, who are above the age of 16, to obtain a national identity card.

when he was released after his uncle persuaded the police that his nephew was not involved with the LTTE.

David Siril Vigna is a 32-year-old man from Jaffna who was deported to Sri Lanka in March 1993 after spending over five years in prison in the United Kingdom on drug offences. He was questioned at the airport for one day and accused of involvement with the LTTE. He had no family in Colombo and went to live at Bambalapitiya Refugee Camp. Without either a national identity card or a passport, arrest was almost inevitable. On two occasions in October he was taken off a Colombo suburban bus by police and detained for three days and one day, respectively. On the second occasion, at Kesalawatta Police Station, he was made to sign a statement in Sinhala which he could not understand. The police refused his request to telephone an acquaintance, telling him "this is not your home". Having sent a message to an acquaintance through a released prisoner, he was released after the People's Liberation Organization of Tamil Eelam (PLOTE), a militant Tamil group which is now allied with the government against the LTTE, vouched for the fact that he had been involved with them in the past and was not a member of the LTTE.

Registration law and arrest of whole families

Under the Emergency Regulations (ER23) owners of lodging houses must supply daily lists of lodgers and every "householder" must register with the local police the names of everyone living in the house, including any visitor staying overnight. Tamil people are sometimes arrested if they do not carry with them a copy of this list, commonly called a police registration report. Residents or visitors who are not registered are considered suspicious and are usually arrested if the house is visited by police, regardless of the fact that the law puts the responsibility for ensuring registration on the householder and not the occupants.

Sometimes whole families are detained because of the registration law. A 28-year-old **bank executive** arrived home one night last August to find that his entire family - mother aged 53, father aged 60 and three siblings aged 18, 23 and 25 - had been arrested by police because the owner of the house had failed to register them with the police. They were also accused of harbouring a member of the LTTE. The family was released on the third day.

In November police arrested everyone present in a house in Mount Lavinia - husband, wife and their three children aged three, 16 and 20, as well as three visitors from Jaffna - because the visitors were not registered with the police. They were all released the following day after being fingerprinted and videotaped and a statement taken.

Arrests continue in 1994

The arrests have been continuing in January 1994. On 24 and 25 January, for example, 81 people were reportedly arrested in round-ups in Pettah. In another case, **Thuraisingam Antony Selvanathan**, aged 24, was walking along a street in Kotahena on 10 January to buy his breakfast. He was arrested by police in a passing truck even though he showed his national identity card, police registration report and passport (which showed he had been overseas for five years). He was taken to Kotahena Police Station and released the following day after appearing before a magistrate, without any evidence of criminal activity. He was

arrested a second time on 15 January by officers from the same police station, together with nine others from two adjoining houses. He was released the following evening.

Four females who had come to Colombo from Jaffna in the last two years, including a 16-year-old girl, and two males, one aged 16, were arrested from a private boarding house in Kotahena in January. They were taken to Kotahena Police Station, made to sign a statement in Sinhala they could not understand and released the following day without ever being told the reason for the detention. The 16 year-old boy was kicked in the shoulder and back when a police officer randomly beat many of the 39 detainees in the cell as punishment after one of them dropped a jug down the toilet pit.

5. Torture in secret detention

Some Tamil people have been arrested by groups of armed men in military or civilian dress, blindfolded and taken to secret places of detention where they have been held for at least a week, interrogated and tortured to make them confess to involvement with the LTTE. Families have no idea who has taken their relative nor where their relative is detained. Both the army and police always deny to the families that they are holding the missing relative. The prisoners have been released without charge and without ever knowing what offence they are supposed to have committed.

It appears that the army, and possibly other sections of the security forces, have held people in different secret locations in and around Colombo. Amnesty International believes that one secret place of detention is an army camp located by the sea, off Galle Road, Kollupitiya, behind the Indian High Commission and the American Information Center.

According to another report, some arrests may have been carried out by a special operational unit under the Director of Military Intelligence which reports to the Army Commander and which has links with the National Intelligence Bureau (NIB). This unit is alleged to be operating in Colombo, in some areas with the knowledge and cooperation of the police. Some of the unit members are believed to be members or ex-members of PLOTE, a group which opposes the LTTE and works alongside the security forces¹¹. This unit is reported to be using a private house near the railway line at Vanawasala, near Ragama, north of Colombo, and possibly also another location in the Ragama area.

Under Emergency Regulation 19(8), it is a criminal offence to detain any person in an unauthorised place of detention, which reflects one of the recommendations made by Amnesty International and accepted by the government in 1991. It is therefore very disturbing that only a few months after the Defence Secretary gazetted a list of the 343 authorised places of detention in Sri Lanka, people were being abducted, held in secret, unauthorised locations and interrogated under torture. This is reminiscent of the manner in which thousands of people were "disappeared" in the south between 1988 and 1990, by

¹¹ The leader of this splinter group of PLOTE was reportedly killed in late January 1994.

police or army personnel who sought to hide their identities in order to evade accountability for their actions. If the army arrests a person outside the northeast, it is also a criminal offence under ER18(1) if the detainee is not handed over to the nearest police station within 24 hours.

The government denies any official involvement in secret detention and claims that private Tamil groups have been responsible for these illegal abductions. The Defence Secretary said that Tamil groups are helping the authorities only to the extent that they identify suspects.

The case of Arulappu Jude Arulrajah

In one case, a 27-year-old student from Jaffna, **Arulappu Jude Arulrajah**, was arrested on 2 October 1993 at about 1.30am at his lodge in Bambalapitiya, by armed men in civilian dress.

He was blindfolded, handcuffed and driven to the army camp behind the Indian High Commission, referred to above. It is alleged that he was held at this location until being transferred on about 10 December to Panagoda Army Camp, which also does not appear to be in the list of authorised places of detention gazetted in June 1993. On about 15 December he was transferred to the CID on the Fourth Floor, Colombo Police Headquarters.

It is alleged that before being transferred to Panagoda Army Camp, Arulappu Jude Arulrajah was tortured and ill-treated. He was regularly kicked and beaten with fists, wooden clubs and 'S-Lon' pipes¹². On one occasion he was allegedly stripped naked, his hands were attached to chains on his legs, a wooden pole was suspended between two tables and he was hung with the backs of his knees over this pole. It is alleged that his genitals were then cut, possibly with a hacksaw. During most of the period before being transferred to Panagoda Army Camp, Arulappu Jude Arulrajah was blindfolded, with his hands and feet chained and he was kept in a darkened room, usually naked.

Arulappu Jude Arulrajah was never told the reason for the detention, nor was he brought before a court or accused of having committed any crime. He was kept incommunicado until he was transferred to the CID. Arulappu Jude Arulrajah's family was not informed by the authorities of the arrest or the place of detention. After learning of the arrest from acquaintances in Colombo, Arulappu Jude Arulrajah's mother came to Colombo and made enquiries about her son at Bambalapitiya Police Station, CID Headquarters, CDB Headquarters and New Magazine Prison. All denied any knowledge of the arrest or detention. She also sought the help of the International Committee of the Red Cross (ICRC), HRTF and the Presidential Commission of Inquiry into the Involuntary Removal of Persons. The ICRC eventually located Arulappu Jude Arulrajah on 17 December 1993 at the CID. Acting on a *habeas corpus* application filed on his behalf, the Court of Appeal ordered a medical examination, the results of which are not yet known. It is understood that the CID may soon release him.

¹² These are PVC pipes used in construction work.

Other testimonies

Before dawn in mid-October 1993, armed men in civilian dress abducted at least **four young Tamil men** in the southern suburbs of Colombo, blindfolded them with their own shirts and took them away in an unmarked van. Their families were not told where they were being taken. It is believed the men were taken to the secret location at Vanawasala referred to above, and detained for a week. The captors, who were both Tamil and Sinhalese, told the prisoners that they were from the STF, though it is not clear if this was true. The prisoners were handcuffed and blindfolded throughout the week in captivity except for meals and when going to the toilet. They were regularly beaten with wooden clubs and coiled wire all over the body, including on the soles of the feet, while being interrogated. Their interrogators accused them of belonging to the LTTE and having undergone LTTE training. They were asked whether they knew the names of weapons and why they had come to Colombo from Jaffna.

After about seven days two of them were taken blindfolded in a vehicle, warned not to tell anyone about the detention and dumped on the side of the road at about 1am. Almost immediately after being pushed out of the vehicle, they were arrested by police and detained because of the suspicious circumstances in which they had come to be in the area late at night. Only then did their families learn of the detention and they were able to visit and bring food. The youths were held by police under detention orders for about six days before being brought before a magistrate and released. The other two were released in a similar manner.

In October another **man, K**, and a **youth** were arrested from their home in Colombo by five men in civilian dress, one of whom was armed. Their captors told the owner they were from the CID, although they refused to show any identification. **K** had already been detained the previous month for two weeks by security forces. The captors blindfolded both prisoners with their own shirts and took them away in a vehicle. Over the next ten days they were taken to three different locations near Colombo. Their captors claimed that one place was the CID Headquarters on the Fourth Floor of Colombo Police Headquarters, though this may have been a lie. They were almost constantly blindfolded and regularly interrogated and beaten. On one occasion the interrogators smashed **K's** head against a wall and warned "we will come back and you must tell the truth, otherwise you will not be alive; no one knows what is happening here". He was also beaten several times with a wooden club about three feet long and two inches thick. **K** was released about a week later, but was almost immediately arrested by passing police who did not believe the story of his detention. He was held by the police for nearly 60 days, brought before a magistrate and released. **K** had spent more than two months in detention without ever knowing what offence he was supposed to have committed. His family only learned of his detention when **K** was able to send a message through a detainee who was released from the same police station, after which his family was able to visit regularly.

6. Unjustified rearrests and the question of 'release certificates'

Tamil people are being repeatedly rearrested without justification and detained while the same checks are made. These repeated arrests in particular are creating a feeling of insecurity in the Tamil community.

Testimonies

One **technician, J.** who came to Colombo from Jaffna in 1990 was arrested four times between May and November 1993. Each time J was released without being told a valid reason for the arrest. He was first arrested at 1am on 24 May 1993 from his home and taken to Dehiwala Police Station, remanded to a prison, remanded again a few days later because the police were still awaiting a NIB report, and finally released on 7 June. The magistrate's order states that J was arrested because he was not registered with the local police, but Amnesty International is satisfied that he was properly registered.

Government commitments to the Tamil parties: The Prime Minister and President met with leaders of Tamil political parties on 10 and 29 June 1993, respectively, and agreed on a range of measures designed to stop harassment of Tamil people in Colombo, which included that:

- ◆ No person will be arrested on suspicion merely because he or she is Tamil. Arrest should be based on a report of suspicion by some agency or on circumstances for suspicion.
- ◆ At the time of checking if a person proves his residence he should not be taken into custody.
- ◆ Women may be escorted to a police station by a person of their choice.
- ◆ If it is necessary to detain a person, their relatives or others will be given in writing the name and rank of the arresting officer, the time and date of arrest and where the person will be held (arrest "receipt").
- ◆ Detainees may make a statement to the police in their own language and they may write and sign the statement themselves.
- ◆ On release a certificate will be issued to prevent rearrest for the same routine questioning.

J was arrested a second time as he walked to work in early October, taken to Wellawatta Police Station and released that evening. The Wellawatta police refused to issue a release certificate, but promised that if he was arrested again by Wellawatta police he would be released if he gave the date of the previous arrest. Unfortunately for J, around dawn one day in mid-October he was again arrested at his home, but by police from Dehiwala who

ignored his protestations about the previous arrests. They insisted on making the usual routine checks. He was released the same evening.

Finally, on 10 November he was arrested for the fourth time while walking to work, but this time by the Maradana police. By this time J had obtained a copy of the magistrate's order of release following his first arrest, but the police claimed it was a forgery and insisted on detaining him and obtaining another NIB report. J was released the same day. The Maradana police promised him, "if you are arrested by Maradana police, just give the date of this arrest and you will be released". As of mid-January, J had not been arrested again.

A **19-year-old labourer** who came to Colombo from Jaffna in 1992 to go abroad, has been arrested nine times since August 1992 - five of those occasions since June 1993 and most recently on 13 January 1994. Five times he was arrested at his lodge in Kotahena by police from Pettah Police Station, where he was held for up to three days and released without ever being told why he had been detained. Each time he told the police that he had already been arrested and released previously. On one occasion, in about May 1993, he was arrested by the CDB and taken to CDB Headquarters at Gregorys Road, where he was allegedly punched in the head and upper body by two officers while being interrogated. He was released the same day without being told the reason for the arrest and detention.

Introducing release certificates

If police only arrested people on the basis of specific information justifying the arrest, these absurd cases of repeated arrests and releases would largely be avoided. The police could reduce their own workload if they did not repeatedly detain the same person and order the same reports from the NIB, CID and CDB. Unnecessary rearrests could also be eliminated if the police issued 'release certificates'.

On 10 June 1993 the Prime Minister agreed with the Tamil political parties that when a person is released after questioning "a certificate will be given that he was questioned and released...[with] the particulars of the person who questioned and released and the police station". The DIGP-Colombo told Amnesty International that such release certificates are being issued to released detainees. However, Amnesty International has not been able to discover a single case in which a release certificate was issued. On the contrary, in many cases detainees who expressly asked for a release certificate were told it was impossible because no such system existed. In a few cases detainees who were released by a magistrate have been able to obtain a copy of the magistrate's order, but from the case of J, described above, this is clearly of limited value.

In discussions with Amnesty International, the IGP and Defence Secretary rejected the idea of release certificates on the ground that security forces could not promise to refrain from arresting someone merely because they have such a certificate. It is claimed that such certificates could be forged or might be issued before new information came to light. Amnesty International is not suggesting that release certificates should be a guarantee against rearrest. Rather, they would provide relevant information to the police and would show that in the absence of other specific information, there is no justification to rearrest that person.

7. Notification of arrest to families and independent bodies

The record on implementing agreed safeguards

In mid-1993 the Government of Sri Lanka introduced a number of procedures which should ensure that families of detainees and independent monitoring bodies are immediately notified of every detention. When a person is arrested for the investigation of offences the arresting officer is now required to give close relatives a certificate acknowledging the arrest (ER18(8))¹³. Furthermore, the Prime Minister agreed in June 1993 with the Tamil political parties that a "receipt" would be given to the place where a person is arrested, whether at home or work, stating "the names of the suspect, the arresting police officer and the police station and the date of arrest"¹⁴. In 1991 the government agreed to implement a similar recommendation made by Amnesty International in relation to cordon and search operations. The police and military are also now obliged under the Emergency Regulations to notify the HRTF of every arrest¹⁵ and also fortnightly to give the local magistrate a list of all detainees. The magistrate is then required to display this list on the court noticeboard.

Unfortunately, the implementation of these procedures is erratic. Formal arrest "receipts" are rarely, if ever, issued by the police and army in Colombo. In many cases families or friends know about the arrest only because they were also present. In some instances the police do telephone families or employers after the person is taken into custody, while in other cases they refuse requests to make such telephone calls.

In many cases the police make no effort to notify families. Families often only learn of the detention when other people who have been released inform them where their relative is being held, but this may be weeks after the arrest. In a number of cases, particularly where the arrest is made on the street or if no one else was present at the time of arrest, families have no idea who has taken their relative or where he or she is detained, which causes great distress and fear that their relative has "disappeared".

Testimonies

¹³ There is no such obligation if a person is taken into preventive detention under ER17.

¹⁴ Principle 16 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) reaffirms a state's obligation in international law promptly after arrest, and after each transfer, to inform the detainee's family or other person he/she chooses. Principle 12 also provides that detainees or their lawyer should be given in writing the reasons for the arrest, the time of the arrest and of detention and when he/she is first brought before a court, the identity of the law enforcement officials concerned and details of the place of custody.

¹⁵ ER18(7) requires such notification when a person is arrested under ER18 and an earlier regulation No.673/2 of 31 July 1991, created certain notification obligations in relation to all detentions, including preventive detentions under ER17.

Chelliah Arumaithurai, a 38-year-old seaman was reportedly arrested in the early hours of 15 October 1993 by unidentified men in civilian dress who left a piece of paper with "Capt. Philips - No.53-4329" written on it. Chelliah Arumaithurai was missing for more than two months until another person released from custody told his family that he was detained at CID Headquarters, which enabled the HRTF to locate him on 30 December.

One **Tamil man** from Jaffna has worked in Colombo for over a decade. One afternoon in August 1993 as he was walking along a street to buy some apples he, and seven others, were arrested by STF officers who were checking people's identity cards. They were taken to the STF Headquarters at Gonahena, near Colombo. His wife became very distressed when her husband did not return home that night. She searched for her husband at police stations in Wellawatta, Bambalapitiya and Kollupitiya and CDB Headquarters, made a complaint to the HRTF and the International Committee of the Red Cross (ICRC) and checked with the army. The ICRC was able to locate her husband two days later. Meanwhile, the man was questioned at the STF camp by navy officers and made to sign a statement in Sinhala which he could not understand. After five days in detention he and the other seven detainees were told "you are genuine" and were released from the camp.

Notification procedures as safeguard against "disappearances"

Given the history of tens of thousands of unresolved "disappearances" in Sri Lanka, Amnesty International believes that notification to families should be an invariable and routine procedure upon arrest. Amnesty International cannot agree with the IGP who told the organization that a "receipt" is unnecessary if the relatives are present at the time of arrest. The purpose is to leave a 'paper trail' which can be followed should the detainee later go missing. Without a "receipt" relatives of "disappeared" prisoners face a blank wall of denial by the authorities. If the family did not witness the arrest, the arresting authority has a duty to ensure they are notified, wherever the family may live. Indeed, the Defence Secretary confirmed to Amnesty International that if a person is picked up off the street, the police must notify the family. This should be implemented in practice. If the detainee has no family, he or she should be able to nominate another person to be informed, such as an employer or close friend.

The DIGP-Colombo conceded to Amnesty International that magistrates are not being notified of detentions, as required by the Emergency Regulations. He said, however, that they are being notified of every release, which is of no value to prevent the "disappearance" of people whom the authorities deny were ever arrested. Justice Soza, Chairman of the HRTF, has indicated that there has been an improvement in notifications of detentions by the police and army to the HRTF, particularly since the police started using a prescribed form at the end of 1993, though the CID, STF and some police stations still do not notify all arrests. It is clear from the reports of secret detention that the army often does not notify anyone.

8. Treatment and procedure in police stations

Typically, arrested people are taken to a local police station and asked questions about their family background, the reason why they are in Colombo and where they work. Detainees are sometimes accused of involvement with the LTTE, but evidence of this is rarely provided. The questioning is usually in Sinhala. The answers are recorded in Sinhala and detainees are made to sign the statement, even if they cannot understand Sinhala. Most detainees are not questioned again after making their initial statement. Detainees are fingerprinted and/or their photograph taken. Sometimes detainees are lined up and a person in a mask points out particular prisoners.

The Sri Lankan Constitution guarantees in article 13(1) that "any person arrested shall be informed of the reason for his arrest", a right which has not been suspended by the Emergency Regulations¹⁶. Detainees in Colombo are rarely told why they have been arrested beyond the general justification "on suspicion" or that they are being detained pending routine checks. Detainees are also rarely given a copy of any detention order, which is contrary to international law¹⁷ and only exacerbates the sense of bewilderment about why they are being held, under what authority and for how long. The IGP confirmed that there is no policy to give copies of detention orders and the DIGP-Colombo told Amnesty International that copies are only given if the detainee asks.

Male detainees are made to remove their shirt, trouser belt and shoes and are placed in a cell. Women are usually allowed to sit outside the cells and, unlike the men, are sometimes given tea and allowed to wash, though there are reports of women being placed in the cells with men. Almost all male detainees say that the police cells are so overcrowded that not everyone can sit or lie down at the same time. The cells usually have no external windows, rough cement floors which are often damp and a stone slab for sitting. Some cells have toilets inside, while in others detainees have to use a drainage hole as a toilet. If families know that their relative is detained at a police station or CID or CDB Headquarters, they can usually visit regularly and bring food.

Extortion of money

Amnesty International has received a disturbing number of reports of police demanding money from detainees in return for their release. Some people may have been arrested solely to extort money in this way because the police believe they come from a wealthy family. In most cases former prisoners who have paid money are reluctant to speak about the experience because of embarrassment and fear of reprisals.

Access for lawyers

¹⁶ Article 9(2), ICCPR, to which Sri Lanka is a State Party, provides that "anyone arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him". The Body of Principles, which applies even in states of emergency, reaffirms this in Principle 10.

¹⁷ Principle 11, Body of Principles, requires a detainee and his lawyer to receive "prompt and full communication of any order of detention, together with the reasons thereof".

Detainees in Sri Lanka have no enforceable right to consult a lawyer and are not usually allowed to contact lawyers directly. However, if engaged by relatives or friends, lawyers are generally able to gain access to detainees held in police custody or prisons. Once a detention order under the Emergency Regulations has been issued, lawyers need written permission from the Defence Secretary to visit, which could take anything from a few days to 10 days to obtain. In some cases the CDB and CID have reportedly tried to obstruct or delay lawyers or families visiting detainees. In practice, however, a greater problem in Colombo is sometimes that the lawyer has no idea who has arrested the client and where he or she is being held.

Police or prison guards can usually overhear meetings between detainees and lawyers, which clearly makes detainees reluctant to speak openly about their treatment in custody. This is contrary to the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (the Body of Principles) which states in Principle 18(4) that such meetings "may be within sight, but not within hearing, of a law enforcement official"¹⁸.

Under both emergency and normal law in Sri Lanka, lawyers have no right to be present when their client is being interrogated. This can only facilitate the use of torture by interrogators to extract confessions.

The language divide: interrogation and statements

The scarcity of Tamil speaking policemen, including Colombo, is the cause of many difficulties which could otherwise be sorted out on the spot. Police largely ignore the procedure agreed by the Prime Minister on 10 June with the Tamil political parties that detainees may choose the language in which they give a statement. The general law in Sri Lanka also gives people being questioned the right to make a statement in their own language¹⁹. In police stations Tamil detainees seem to be questioned most often in Sinhala, sometimes in Tamil, less often in English. In many cases the detainee does not understand Sinhala, or only the most simple questions and is not able to give explanations in Sinhala. In almost all cases statements of Tamil detainees are recorded in Sinhala and only in some instances have they been orally translated into Tamil, sometimes by a fellow prisoner. Documents are invariably in Sinhala, although under international law detainees have a right to receive basic information in a language they understand and speak²⁰.

¹⁸ The Body of Principles was adopted without a vote by the UN General Assembly on 9 December 1988 [Resolution 43/173] after 13 years of arduous negotiations between governments from all regions of the world. It is important to note that these standards apply at all times: there is no provision permitting states to suspend any of the Principles during a state of emergency.

¹⁹ See s.109(2), Criminal Procedure Code.

²⁰ Principle 14, Body of Principles, requires basic information about the reasons for the arrest, any detention order and the detainee's rights, to be communicated in a language the detainee understands.

In many cases Tamil detainees are too frightened to do anything but sign the statement without question. **Thuraisingam Antony Jeganathan**, the SLBC journalist whose detention at Pettah Police Station is described above, did refuse to sign a statement prepared in Sinhala, a language he cannot read, and requested to write his statement in Tamil. The police denied his request and the Officer-in-Charge told him, "If you do not sign I can issue a detention order and then you will have many problems". Thuraisingam Antony Jeganathan then signed the statement.

The DIGP-Colombo reaffirmed to Amnesty International that Tamil detainees have the right to be questioned in Tamil and may, if they ask, record their statement in Tamil, Sinhala or English, but the experience of released detainees Amnesty International met shows that this right is not enforced in practice.

9. Beatings in custody

There is evidence that some Tamil detainees are beaten in custody, sometimes severely enough to constitute torture. Torture or ill-treatment is a routine method of forcing detainees to confess to involvement with the LTTE. In particular, Amnesty International has interviewed a number of Tamil detainees who were beaten by CDB officers during interrogation. Prisoners held in secret detention by the army or other groups suffer more severe forms of torture.

Amnesty International has also collected several first-hand accounts of prisoners being beaten in local police stations, including those in Dehiwala, Kotahena and Peliyagoda. Sometimes prisoners are beaten while being questioned. On other occasions police randomly kick and punch prisoners in police cells for no apparent reason or ostensibly as a punishment for some perceived misdemeanour.

Victims are often too frightened to complain about the treatment or do not believe their complaint would lead to proper investigation and action. The DIGP-Colombo told Amnesty International that no investigations have been launched into beatings because he has not received any complaints about specific incidents. However, Sri Lanka is legally bound under article 12 of the UN Convention against Torture to "proceed to a prompt and impartial investigation" if there is reasonable information suggesting that torture or other ill-treatment has occurred, regardless of whether a specific complaint has been made.

The government and leaders of every section of the security forces should also give strict instructions that physical and psychological violence are unacceptable methods of interrogation²¹.

²¹ Article 11, UN Convention against Torture, obliges the Government of Sri Lanka to "keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment...with a view to preventing any cases of torture [and other acts of cruel, inhuman or degrading treatment or punishment]".

Testimonies

Somasunderam Sivaganesh is a 21-year-old from Jaffna who flew back to Colombo on 13 September 1993 after more than four and a half years in India. He was arrested two days after his return and detained for about two days at Grandpass Police Station. He was arrested again on 15 October in a round-up of about 60 people living in the same lodge and detained at Grandpass Police Station before he was remanded to Colombo Remand Prison where he is still held. On 5 January 1994, after a *habeas corpus* application had been made, Somasunderam Sivaganesh was taken to CDB Headquarters for the third time for questioning. At earlier interrogations he had already denied accusations that he was part of a particular LTTE group in the northeast and had refused to sign a confession. On 5 January an Assistant Superintendent, together with a Tamil interpreter, allegedly prepared a statement with these accusations and told Somasunderam Sivaganesh that if he signed the confession he would be released. When Somasunderam Sivaganesh refused he was allegedly taken to another room, punched in the ears, back and arms and beaten with a wooden stick. He then signed the statement. Somasunderam Sivaganesh reportedly still suffers from hearing problems and pain in the abdomen. He has not been charged with any offence and is now being held at the Colombo Remand Prison. The Court of Appeal has ordered the Attorney General to make a report on this case by 8 March 1994.

A **young Tamil man** from Jaffna who came to Colombo in 1989 was detained for one day by police in May 1992, detained for seven days in August 1993 at a different police station and then detained a third time by Modera police for one day in October 1993. At Modera Police Station he was interrogated by the CDB. After he denied to one officer that he knew particular people, a second officer punched him repeatedly in the chest and strangled him until he almost lost consciousness.

One 29-year-old man saw the bruises on the arms and back of a friend who had been beaten at Dehiwala police station where both were being detained in June 1993. Another detainee was allegedly beaten with three feet long wooden sticks by four guards after he was remanded to Welikada Prison in May 1993. Another person saw police use inflexible, wooden sticks about three feet long and one to two inches thick to beat half a dozen people in Saunders' Playground, in Colombo, during a round-up of hundreds of people in Hultsdorf, north Colombo, in October 1993.

10. Length of detention and process of release

The great majority of detainees are released within twenty four hours or at least within two to three days, after the police have received intelligence reports from the CID, CDB and NIB. A significant number of detainees are held for up to several months and questioned further by the CID or CDB. They are sometimes transferred to CID or CDB custody or remanded to a prison before release.

Most people in Colombo are arrested under the Emergency Regulations: the PTA is rarely used. The Emergency Regulations (ER18 and 19) permit suspects arrested without a

warrant to be detained for a preliminary period of up to seven days for investigation of offences committed in the northeast and 48 hours for those committed in the south. If there is "reasonable cause" for continuing to hold the prisoner beyond these time limits, a detention order must be issued. People arrested in the northeast and those arrested in connection with offences committed in the northeast, can be detained for a total of 60 days under a detention order. Those arrested in the south in connection with offences committed in the south can be detained for a total of seven days. It is difficult to assess whether these limits are respected in practice, partly because detainees are almost never given a copy of their detention order which should show under what provision they are being held and for what period.

If a person is not going to be held beyond the preliminary period (48 hours or seven days) the regulations require that they be produced before a magistrate before being released (ER19(3))²². This is an important safeguard against "disappearance" which is ignored in most cases. According to government figures, out of the 15,711 people arrested between 1 June and 31 December 1993 only 841 (5%) were brought before a magistrate prior to release. Most of the other 95% of detainees would have been released within the preliminary period of detention without being brought before a magistrate. Amnesty International welcomes the fact, however, that where detainees are released directly by the police, in most cases they seem to be released into the care of a relative, lodge manager, house owner or employer, who often has to sign for the release.

Detainees are sometimes held for the maximum period under a detention order (seven or 60 days) after which the basis for the detention is changed either to the PTA (section 9), in which case they could be held for a maximum of 18 months, or preventive detention (under ER17) in which case they may face indefinite detention.

In other cases detainees appear in court within the first week and the magistrate remands the detainee in police custody pending further investigation. If a confession is obtained the detainee will be indicted and the magistrate remands him or her to a prison pending trial. Sometimes a magistrate grants bail rather than remanding the detainee in police custody for further investigation, although technically this is not permitted under the Emergency Regulations. This usually leads to the police failing to present any evidence of criminal activity and the detainee being discharged entirely.

²² Despite the language of ER19(3), the DIGP-Colombo told Amnesty International that if a detainee is released within 24 hours, there is no requirement under both normal and emergency law to bring him or her before a magistrate. He also said that detainees held longer are always brought before a magistrate prior to release.

11. Amnesty International's recommendations

Amnesty International has already urged the government to bring the Emergency Regulations into line with international standards²³. This paper has described a number of measures the organization believes the government should take specifically to stop human rights violations during security operations in Colombo. The following paragraphs identify only the most urgent of these measures.

Strictly implement legal and political commitments

1. The procedural safeguards in the Emergency Regulations and those agreed with the Tamil parties on 10 June and 29 June 1993 should be strictly enforced. Officers who violate these procedures should be disciplined or prosecuted as appropriate²⁴.

End arbitrary arrests

2. No one should be detained unless there is specific information justifying the arrest of that particular person. The government should end the arbitrary arrest and detention of thousands of people in Colombo solely because of their ethnic origin.

3. As far as possible security forces should carry out identity checks on the spot without detaining the person and Tamil speakers should always be available to resolve communication problems immediately.

End secret detention

4. The government should immediately end the detention of people in secret places of detention, whether by the army, other security forces or armed groups working with the government or with its acquiescence. All detainees must only be held in authorised, publicly listed places of detention with free access given to the HRTF and ICRC. Those responsible for holding people in unauthorised places of detention should be prosecuted in accordance with the Emergency Regulations (ER19(8)).

5. The army should comply with the requirement in law that any person they arrest or detain outside the northeast must be handed over to the nearest police station within 24 hours (ER18(1)).

²³ See *Sri Lanka: New emergency regulations*, AI Index: ASA 37/04/94, January 1994.

²⁴ The DIGP-Colombo and Defence Secretary told Amnesty International that instructions had been given to follow the procedures agreed in June. If so, the evidence in this document shows that the chain of command should be strengthened to ensure these instructions are obeyed.

6. Arresting officers should always show their official identification. All vehicles used by the security forces should have number-plates displayed at all times and be clearly identified as military or police vehicles²⁵.

Immediate notification of every arrest

7. Families or other persons chosen by the detainee should always be informed of the arrest, the place of detention and of any transfer and the identity of the law enforcement officers concerned. As agreed in June 1993, arrest "receipts" should always be given immediately upon arrest to the family (or other person chosen by the person arrested, such as an employer or close friend). If no appropriate third person is present, the arresting authority should notify a person chosen by the detainee, regardless of where he or she lives, immediately after the arrest.

8. Every arresting authority must comply with the requirement in law "forthwith" to notify the Human Rights Task Force of every arrest and fortnightly to give local magistrates a list of all detainees. The army, STF, CDB and CID are particularly at fault in not complying.

Information to detainees

9. Every detainee should be told in detail the reasons for the arrest, the identity of the arresting and detaining officers, where they are being detained and the facts which justify their continued detention. Every detainee should be given a copy of any detention order.

Issue release certificates to prevent unjustified rearrests

10. As agreed in June 1993, to prevent unjustified rearrests, people already released after routine checks should be issued with release certificates which indicate the date of arrest, who interrogated the person, where he or she was held, and the date of release. People with release certificates should not be rearrested without other specific information justifying arrest.

Interrogation and statements in one's own language

11. As agreed in June 1993, all detainees should be informed of their right to be interrogated, and to give a statement, in their own language - Tamil, Sinhala or English. Every place of detention should have a sufficient number of Tamil speakers to make this right a reality.

End torture and ill-treatment

²⁵ The government agreed to implement this recommendation made by Amnesty International in 1991, but it is not always enforced.

12. The government and leaders of the security forces should publicly state and issue orders, that torture and other ill-treatment will not be tolerated and in particular that physical and psychological violence are unacceptable methods of interrogation.

13. In accordance with article 12 of the UN Convention against Torture, the government should promptly and impartially investigate cases of torture and ill-treatment which come to its attention, including those named cases described to in this document, and not wait for individual complaints to be made by victims.

14. Those responsible for the torture or ill-treatment of detainees should be brought to justice. Officers suspected of committing torture should be suspended from positions in which they are responsible for detainees.

List of Abbreviations

CID	Criminal Investigation Department
CDB	Crime Detection Bureau
DIGP- Colombo	Deputy Inspector General of Police for Colombo
ER	Emergency Regulations
HRTF	Human Rights Task Force
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IGP	Inspector General of Police
JVP	<i>Janatha Vimukhti Peramuna</i> (JVP, People's Liberation Front)
LTTE	Liberation Tigers of Tamil Eelam
NIB	National Intelligence Bureau
PLOTE	People's Liberation Organization of Tamil Eelam
PTA	Prevention of Terrorism Act
STF	Special Task Force
