

EXTERNAL (for general distribution)

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UA 407/93 Unacknowledged Detentions / fear for safety

18 November 1993

SRI LANKA: About 70 government soldiers detained by Liberation Tigers of Tamil Eelam

According to the Sri Lankan military, about 70 government soldiers have been taken prisoner by the Liberation Tigers of Tamil Eelam (LTTE) following a major battle at the government military and naval base at Poonegyn in northern Sri Lanka. Amnesty International is not aware of any statement by the LTTE acknowledging the capture of these prisoners and is concerned for their safety.

Amnesty International is appealing to the LTTE to publicly state whether any soldiers were captured at Poonegyn and in an earlier military operation at Kilali, and to ensure that they are treated according to at least the basic minimum standards required under international humanitarian law. It is also asking the LTTE to grant the International Committee of the Red Cross immediate and regular access to these prisoners.

Common Article 3 of the Geneva Conventions, which applies to all parties in an internal armed conflict, requires that "Persons taking no active part in the hostilities, including members of the armed forces ... placed *hors de combat* by ... detention, or any other cause, shall in all circumstances be treated humanely...." Common Article 3 prohibits, among other things, violence to life and person, murder, mutilation, cruel treatment and torture of such persons, as well as any outrages upon their personal dignity.

BACKGROUND INFORMATION

The LTTE controls most of the Jaffna peninsula in northern Sri Lanka, and for over a decade has been fighting Sri Lankan government forces with the aim of establishing a separate Tamil state, which they call Eelam, in the northeast of the country.

Travel to and from the Jaffna peninsula is severely restricted: the Elephant Pass causeway which links the peninsula to the mainland is closed to civilians and passage across the Jaffna lagoon by boat has been prohibited by the Sri Lanka Government under Emergency Regulations. Nevertheless, a boat service runs across the lagoon from Kilali on the northern side under LTTE protection. Boats carrying civilians and others have repeatedly come under attack by the navy during the year.

At the end of September 1993, in a five-day operation, government forces advanced from their camp on Elephant Pass to Kilali and destroyed the boat-crossing point. The military said it had destroyed seven LTTE camps, killed over 350 LTTE fighters, destroyed 120 of their boats and captured 450 more. It also said that 118 soldiers were killed and 260 wounded. About 40 civilians were also reported to have died. The LTTE, however, said that over 100 civilians had died, and that 84 of their fighters and 125 government soldiers had been killed. By 11 October the LTTE was reported to be using the Kilali crossing point again.

In the early morning of 11 November, the LTTE launched a surprise attack on the Poonegyn base, which is located within LTTE-held territory on the southern side of the lagoon, and took it over in a major battle. Some 1,800 soldiers were in the camp. Government forces regained control of the base on 14 November. According to the Sri Lankan

military, 450 government soldiers and 400 LTTE fighters died in the fighting at Pooneryn and about 70 soldiers were captured by the LTTE. About 700 soldiers were said to be missing, many of them believed to be trapped in the surrounding area, where they had fled. The LTTE said that over 100 of their fighters died in the initial attack on Pooneryn, but the final figure is likely to be higher. It said it had captured a considerable amount of military hardware.

The LTTE already hold captive 30 policemen and one soldier who they took prisoner in mid-1990. These prisoners are regularly visited in Jaffna by the ICRC. Negotiations between the government and the LTTE on the release of these prisoners broke down in August 1993 after the LTTE began to require new conditions for their release, demanding that fuel and other prohibited items be supplied to the north. There has also been an unconfirmed report that a military officer was captured by the LTTE during the Kilali operation.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters either in Tamil or English or in your own language:

- expressing concern that the LTTE may be holding government troops in unacknowledged detention following the battles at Pooneryn and Kilali and expressing concern for the safety of these prisoners;
- urging the LTTE to state publicly the number of such prisoners it holds;
- urging the LTTE to ensure that they are treated according to at least the basic minimum standards required under international humanitarian law;
- urging the LTTE to grant the International Committee of the Red Cross immediate and regular access to any such prisoners.

APPEALS TO

1) Lawrence Thilakar
Tamil Coordinating Committee
341 Rue des Pyrenees
75020 Paris, France
Telegrams: Mr Thilakar, TCC, 341 Rue des Pyrenees, Paris, France
Faxes: +33 1 43 58 11 91
Salutation: Dear Mr Thilakar

2) LTTE International Secretariat
United Tamil Organization
211 Katherine Road
London E8 1BU
United Kingdom
Telegrams: LTTE, UTO, 211 Katherine Road, London, UK
Faxes: + 44 81 470 8593
Salutation: Dear Sir or Madam

COPIES OF YOUR APPEALS TO:

LTTE offices in your own countries, if any.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 December 1993.