

In June 1991, for the first time since 1982, the Government of Sri Lanka allowed Amnesty International to enter the country for research purposes. During their two-week visit, AI had discussions with government officials, political leaders, and human rights activists. They interviewed victims and relatives of victims of human rights violations allegedly committed by the Sri Lankan security forces and paramilitary groups associated with them, and by the Liberation Tigers of Tamil Eelam (LTTE).

AI also met members of the Presidential Commission of Inquiry into the Involuntary Removal of Persons and the chairperson of the Human Rights Task Force which was established, by the government, during AI's presence in Sri Lanka.

We publish below, excerpts from the 44 page document, released in September 1991, based on this visit:

SRI LANKA : THE NORTHEAST

Human rights violations in a context of armed conflict

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES AND ALLIED GROUPS

Those cited as responsible for committing human rights violations on the government side include members of the military, the police and the Special Task Force (STF, a police commando unit). In some areas of the east, members of unidentified groups who wear plain clothes and use unmarked vehicles have also been cited. These people seem to operate in much the same manner as the plainclothes 'death squads' linked to government forces which were a feature in the recent counter-insurgency drive against the JVP in the south.

Other forces opposed to the LTTE have also been cited for committing abuses. The government has assisted the creation of armed groups within the civilian population, such as Muslim home guards, and has also mobilized the armed cadres of anti-LTTE militant Tamil groups to assist in its campaign against the LTTE. Sometimes, members of these groups appear to be used as proxies for the regular security forces, committing abuses which the security forces ignore, and for which members of the security forces cannot be held directly responsible. The armed cadres of several Tamil groups opposed to the LTTE are deployed in different areas under army control.

Amnesty International was told by the authorities that they were operating under direct military command. Muslim home guards were provided with arms by the government in August 1990, after the LTTE had killed hundreds of Muslims in the east, including 103 worshippers in two mosques in Kattankudy, Batticaloa District on 3 August 1990. In the Moneragala District, village defence units were set up among Sinhala villagers in April 1991 after attacks by the LTTE in which about 40 people, including women and children, were reportedly killed.

Muslims collaborating with the security forces are reported to have provided lists of Tamil people for the security forces to target as terrorist suspects. Local rivalries are believed to have found expression in the creation of these lists. Muslim guards are also reported to have detained Tamil people and then handed them over to the police.

Over 3,000 Tamil people are reported to have 'disappeared' in the custody of government forces in the east since June 1990. Most of the case material collected by AI is related to the second half of 1990. That such serious abuses have continued well into 1991 is confirmed, however, by recent reports in the Sri Lankan and international press as well as from other sources. The number of 'disappearances' and extrajudicial executions reported since the beginning of 1991 amounts to several hundred.

On 17 February 1991, after 45 soldiers from the Vijayabahu regiment had been killed by the LTTE in an ambush in Kondaichchi, near Mannar, army personnel from the same regiment were reported to have killed four Tamil school teachers who were travelling from Mannar. Their bodies were found dumped in a well at Vankalai.

Again, on 30 March 1991, after the LTTE had opened fire on a police patrol at Iruthayapuram, Batticaloa, killing one policeman, eleven bodies were reportedly found on the roadside.

In another incident reported to AI, a convoy of Tamil civilians travelling to Batticaloa from Colombo to Valachchenai on 20 February 1991 were attacked by Muslim home guards outside Eravur. Six passengers on the bus were killed. Others were injured and some were unaccounted for.

Reports of killings committed by so-called vigilante groups in Batticaloa in late April 1991 were a most disturbing development. The methods used in the killings were much the same as those used in the death squads believed to be linked to the security forces in the south in recent years. Headless bodies were reportedly found in the Batticaloa area on several occasions in April 1991.

Abductions by groups of armed men, in plainclothes and driving vehicles without number plates, had been reported several months earlier from Trincomalee.

Amnesty International has gathered full details about many hundreds of cases of people reported to have 'disappeared'. Many of these people are believed to be victims of extrajudicial execution, deliberately killed in custody and



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disposed of secretly. Inquiries made with the security forces or government authorities about the whereabouts of detainees frequently produce no result, or an unsatisfactory explanation. It is possible, however, that some of those who have been reported as 'disappeared' may be held in unacknowledged detention, as the authorities have failed to provide lists of those held in their custody.

ABUSES COMMITTED BY THE LIBERATION TIGERS OF TAMIL EELAM

After the outbreak of fighting between the LTTE and the Sri Lankan security forces in June 1990, the monitoring of the human rights situation in areas controlled by the LTTE became particularly difficult. People fleeing the Jaffna peninsula expressed fear of reprisals if they were to provide information to AI about human rights violations by the LTTE. AI has not visited the areas said to be under the control of the LTTE. During its trip to Sri Lanka, AI had the opportunity however to interview victims of abuses by the LTTE who were residing in other parts of the country. As with reports of government abuses deriving from opposition sources AI has taken particular care in scrutinizing allegations made by opponents of the LTTE who may be seeking to damage the organization.

On the basis of the information gathered, AI is concerned at consistent reports that LTTE cadres, particularly in the Jaffna area, carry out arrests on various grounds, including people's alleged sympathies for rival Tamil groups or cooperation with them, sympathy or cooperation with the Indian Peace Keeping Force during their stay in Sri Lanka, suspicion of providing information to the security forces or refusal to pay contributions to the LTTE. AI has also received information about the arrest of people as a result of what appeared to be personal feuds (such as over land or marriage arrangements) and of people critical of the LTTE. A number of Muslim businessmen were also detained for ransom.

One of the people interviewed by AI in June 1991 described how late one evening in April 1990 three armed members of the LTTE ordered him to come with them for interrogation. They blindfolded him and took him in a van to what seemed to be a transit camp. He was held there for nine days with an estimated 40 - 45 others. He was not interrogated during this period. On the ninth day he was transferred to Tunukkai, Mullaitivu district where one of the largest places of detention of the LTTE at that time was established. Each prisoner was allocated a numbered space of 3' x 2'. Their feet were shackled together with a rigid 9 inch bar. He estimated that around 800 people were held in this hall at that time. He also alleged that those considered to be "hardcore" prisoners were held separately in eight foot deep pits surrounded by barbed wire. There were five such pits in the camp, each of which, he thought, contained approximately 20 - 25 prisoners.

AI has also received several reports of torture of prisoners held in LTTE custody.

In mid-November 1990, 28 Muslim traders from Jaffna were taken by local LTTE cadres. Three of them were released, one was reportedly killed in custody. Twenty four of them continue to be held as of early June 1991.

Hundreds of Sinhalese and Muslim villagers have been killed by the LTTE since the outbreak of the fighting of the northeast. Villages in areas bordering the present Northeastern Province, particularly in the Polonnaruwa District, but also in the Anuradhapura and Moneragala Districts, have been attacked.

Among the victims of extrajudicial executions by the LTTE are also a number of people who have disobeyed LTTE orders, including LTTE members, and people found guilty of misappropriating funds or abusing the name of the LTTE. One such victim is 39-year-old Vasantha Sulosana from Navatikiri in the Jaffna District. She was publicly executed on 15 August 1991 at Muthiraisanthai, together with Shanmuganathan (alias Guru Master), who has reportedly been found guilty of fraud. Vasantha Sulosana was tied to a lamppost and executed by a woman LTTE cadre. Her body was later dropped in front of her home.

In October 1990, the LTTE issued an ultimatum to Muslims in Mannar, Mullaitivu, Kilinochchi and Jaffna Districts to leave the areas or be killed. An estimated 40,000 fled south to Puttalam and Colombo. Similar threats have been reported in mid July 1991 in some Muslim villages in the east.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

In making these recommendations, AI recognizes the enormously difficult law and order situation in the northeast of the country. Nevertheless, it is important to stress that, regardless of the atrocities committed by armed groups such as the LTTE, however provocative they may be, it is the responsibility of the Sri Lankan government under international law to safeguard the rights of citizens. However difficult the circumstances, derogation from the international obligations of a government to protect all people under all circumstances from extrajudicial execution, torture and 'disappearance' cannot be justified.

To create a climate in which human rights violations are less likely to occur:

AI urges the Sri Lankan government to make a public statement acknowledging that widespread human rights violations have taken place in the country during the past seven years and recognizing the responsibility of its security forces in perpetrating these violations, most notably 'disappearances' and extrajudicial executions.

Making this public acknowledgement is essential to create a climate conducive for the introduction of effective remedial and preventive measures.

AI urges the government to repeal the Indemnity (Amendment) Act as a clear sign of its



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commitment to bringing those responsible for human rights violations to justice.

To put a halt to 'disappearances':

In view of the prevalence of the phenomenon of 'disappearance' throughout the country during the past seven years, AI recommends that the mandate for the Presidential Commission of Inquiry into the Illegal Removal of Persons be extended to include cases of 'disappearances' which occurred prior to 11 January 1991, thousands of which remain unaccounted for.

AI recommends that the Presidential Commission takes all necessary steps to publish details of its work in local newspapers in all areas of the country with a special effort for those areas obviously most affected by the present fighting between the LTTE and the Sri Lankan security forces.

Providing death certificates in cases of 'disappearances' should not be considered to absolve the government of the responsibility to try to establish the fate or whereabouts of these people, bring to justice those responsible for the 'disappearance' and provide adequate compensation to the victims or their relatives within a reasonable period of time.

To promote human rights for detainees and their families:

AI welcomes the establishment of the Human Rights Task Force. It urges that sufficient resources be provided to it to guarantee its effectiveness.

Given that the risk of human rights violations occurring is greatest during the initial period after arrest, AI suggests that the Human Rights Task Force establishes a 24-hour information office to allow relatives and others concerned to make inquiries at all times.

When visiting places of detention under army control, the Human Rights Task Force should be give unrestricted access to people detained at local army detachments and be empowered to undertake unannounced inspections on their own initiative.

The Human Rights Task Force should consider establishing regional offices, to ensure speedy and regular access to people taken into custody.

Anyone arrested without a warrant should be taken before a judge as soon as possible to determine the legality of the arrest.

All vehicles used by the military and police should have number plates displayed at all times, and whenever possible be clearly identified as military or police vehicles.

The Human Rights Task Force should be informed by the arresting agency immediately of any arrest with or without warrant.

Detainees, including those taken for questioning in mass round-ups, should be released into the care of their relatives in the presence of a representative of the Human Rights Task Force.

To bring a halt to extrajudicial executions:

AI reiterates its appeal to the Sri Lankan Government to abide by the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and to ensure that they be fully implemented and enforced in Sri Lanka. These principles, as endorsed by the UN General Assembly on 15 December 1989, clearly state that extrajudicial executions cannot be justified by the existence or threat of a state of war, nor by internal political instability or public emergency. They provide numerous safeguards, including the establishment of a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as over all officials authorized by law to use force and firearms. (Principle 2).

In the light of the use by the security forces of several armed groups within the population, such as Muslim home guards, and the use of armed cadre of anti-LTTE militant groups, AI urges the government to set up a review of present command and control structures in the security forces.

Bearing in mind the communal character of the present conflict, particularly in the east of Sri Lanka, a system of strict and effective control over the issuing of weapons to civilians for self-defence should be developed.

The results of all human rights investigations should be made public. AI strongly believes that the only way that public opinion will be convinced of the authorities' commitment to bring the perpetrators to justice is to see public proof that human rights violations will not be tolerated.

*"It is not power that corrupts but fear.
Fear of losing power corrupts those who
wield it and fear of the scourge of
power corrupts those who are subject to
it ...*

*Fearlessness may be a gift but perhaps
more precious is the courage acquired
through endeavour, courage that comes
from cultivating the habit of refusing to
let fear dictate one's actions, courage
that could be described as 'grace under
pressure' - grace which is renewed
repeatedly in the face of harsh,
unremitting pressure."*

Aung San Suu Kyi

winner of the 1991 Nobel Peace Prize

*The essay from which the above excerpts
are quoted will be published in the next
issue of Pravada.*

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