

However, looking at the villages and taking into consideration their strategic location on the very fringes of the disputed 'border' between the north central and northern provinces, these measures still seem woefully inadequate. Given the nature of the conflict at the present moment, one feels that in fact no adequate steps can be taken to guarantee the safety and security of these villages and of the civilians who live in them. The resolution of the ethnic conflict at the national level seems to be of essence if these villagers are to carry on with life 'as normal'. And until such time as a resolution is formulated by those in power on both sides of the divide, these villagers, and thousands of others like them scattered in similar villages throughout the north and east will continue to pay with their lives.

The question of the provision of adequate security for the villagers who live in these so-called border villages of the north and east therefore emerges as a key issue when considering not only the recent events at Alanchipothana, Karapola and Muthugala, but also the incidence of similar massacres in other villages in the north and east in the past months. This is particularly important when one considers that there is absolutely no mechanism in place that can effectively prevent the recurrence of such incidents.

The economic relationships between the inhabitants of these villages are of a pattern that is reflected throughout the Eastern province and indicate quite clearly the need for a political solution that recognises these realities.

DELIBERATE KILLINGS

Amnesty International, in a statement issued in June 1992, refers to the massacres at Alanchipothana, Karapola and Muthugala. We publish below excerpts setting out Amnesty's position.

Deliberate Killings of Muslim and Tamil Villagers in Polonnaruwa

While welcoming the government's prompt action to investigate this incident, Amnesty International is concerned that the commission may not have been perceived as impartial. Although the government has taken care to include a member of each of the three main ethnic communities in the three-member team, two of the members are serving officers of the security forces who may not have been perceived as impartial by all the parties involved. Amnesty International is urging the government to make public the full report of the findings of the investigation team and has requested information from the government about the measures which have been or will be taken to prevent any further reprisal killings from taking place. Amnesty International has also urged that those found to be responsible for the killings be brought to trial before the civil administration of justice and that victims or their relatives are provided with adequate compensation.

Amnesty International believes that those responsible for human rights violations should be brought to trial before the civil administration of justice, following a full and impartial investigation of the case by methods which are in

accordance with United Nations (UN) Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions as endorsed by the UN General Assembly on 15 December 1989 by Resolution 44/162. Such action would also accord with recommendations made by international human rights bodies such as the UN Working Group on Enforced or Involuntary Disappearances, which in its report of 3 December 1991 (Ref. E/CN.4/1992/18/para.381) stated that, "human rights violations should be pursued before the civil administration of justice with all the necessary vigour." Amnesty International fears that military authorities may not pursue the investigation and prosecution of fellow officers as vigorously or impartially as a civil court would and that the sanctions applied may bear no relation to the severity of the offences.¹

Amnesty International is repeating its recommendation for a thorough review of the command and control structures of the security forces, with particular attention to the use and control of armed civilian groups. Two of 32 recommendations for the effective prevention and investigation of human rights violations which were submitted to the government in September 1991 were pertinent to this issue. Both recommendations were among the 30 accepted by the government in December 1991.

The two relevant recommendations stated:

(Recommendation 28): 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 the armed cadre of anti-LTTE militant Tamil groups, Amnesty International urges the government to set up a review of present command and control structures in the security forces.

(Recommendation 29): Bearing in mind the communal character of the present conflict, particularly in the east of Sri Lanka, a strict and effective control over the issuing of weapons to civilians for self-defence should be developed. As with regular security forces, a clear chain of command should be established and all those issued with arms should be provided with adequate training.

To date, Amnesty International has not been given any information about the implementation of these two specific

recommendations. It has received an invitation from the Sri Lankan Government to visit the country to review the implementation of the 30 recommendations accepted by the government, among other things. It is urging the government to fully and speedily implement the above two recommendations.

Note.

1. In early May 1992, Amnesty International expressed concern to the government about reports that army personnel responsible for reprisal killings at Kokkadichcholai, Batticaloa District, in June 1991 will be brought before a military tribunal instead of being charged and tried before the civil administration of justice.

A VERDICT ON TORTURE

Arbitrary arrest and torture in custody are two human rights violations that have been constantly referred to by human rights organisations, both local and international.

We reproduce below the major part of a recent Supreme Court decision on a fundamental rights application under Article 126 (2) of the Constitution made by Mathumagala Kankanalage Wilbert Alwis of Kelaniya - S.C. Application No. 145/87. This case concerns both arbitrary arrest and torture in police custody.

The case was argued on 16.06.1992 and decided on 22.06.1992. The judgement was written by Justice Kulatunga, with Justices Bandaranayake and Fernando concurring.

We draw the attention of our readers to the clear conclusion that torture in police custody continues in spite of several previous strictures by the Supreme Court. We also consider it significant that the Inspector General of Police has been asked to take appropriate action and report back to Court by 15 September.

By his letter dated 18.3.91 addressed to his Lordship the Chief Justice the petitioner who had, at the relevant time, been a member of the security service at the Embilipitiya Mill of the National Paper Corporation complained that he was in illegal detention at the Pelawatta

Detention Camp having been unlawfully arrested by the Embilipitiya Police on 19.10.90. He also complained that until his transfer to the said camp on 17.11.90, he was unlawfully detained at the Embilipitiya Police Station during which period the police officers there subjected him to various acts of torture. His affidavit was filed on 31.07.91 wherein he sought relief for alleged infringement of his rights under Articles 11, 13(1) and (2) of the Constitution. On 04.09.91, he filed an amended affidavit in which he stated inter alia, that on 10.08.91, he had been transferred to Ratnavali Rehabilitation Camp, Anuradhapura. The petitioner was then granted leave to proceed; at the same time, this Court directed the Judicial Medical Officer, Anuradhapura to examine the petitioner for any injuries he had sustained and to make a report to this Court. Pursuant to the said direction, the J.M.O. examined the petitioner on 26.09.91 and forwarded his report dated 10.10.91.

The petitioner joined the National Paper Corporation in 1980 as a Security Officer. He was promoted to the post of Executive Security Officer in 1983 and to the post of Mill Security Officer in 1985. The evidence adduced before us shows that he has, as an employee of the Corporation, maintained an exemplary record of service...

On 9.10.89 subversives attacked the Mill and damaged 20 vehicles and assaulted the employees. The Army COD H.Q. (Embilipitiya) and the Embilipitiya Police were in-

