

*The Human Rights Task Force (HRTF), was set up to ensure that arrests and detentions under the prevention of Terrorism Act and the Emergency Regulations are in fact carried out in accordance with the provisions of these laws and directions issued under them.*

*The HRTF was disbanded in July 1997 on the basis that the newly established Human Rights Commission should take over this function as it was legally entitled and obliged to do. However, most human rights organizations were appalled at this decision, because the newly established HRC was not yet fully operative.*

*The concerns of human rights organizations are set out in the following statement issued by the Civil Rights Movement.,*

## SAFEGUARDS AGAINST TORTURE, "DISAPPEARANCES" MUST REMAIN

### CRM perplexed and appalled at decision to discontinue HRTF

**T**he reported decision to close down the Human Rights Task Force when the new Human Rights Commission is not geared to take over its functions is as perplexing as it is appalling.

Special laws relating to arrest and detention such as we have under the Prevention of Terrorism Act and the emergency regulations need, as a basic minimum, both certain safeguards and a specific mechanism by which they are monitored. Many of the legal safeguards, and the only currently effective monitoring mechanism, are now provided by the emergency regulations creating the Human Rights Task Force<sup>1</sup> and the Presidential Directions made thereunder.<sup>2</sup>

It is by virtue of these provisions, for instance, that a person making an arrest may be required to identify himself by name and rank, that the person arrested must be afforded a reasonable means of communicating with a friend or relative, and that when a child under 12 years of age or a woman is arrested a person of their choice should be allowed to accompany them.<sup>3</sup>

It is also by virtue of these provisions that the HRTF has been set up with its nine regional offices in addition to its Colombo office and its staff of over 80.

The Services it provides include, by way of example,

i. monitoring arrests and detentions under the Prevention of Terrorism Act (PTA) and the emergency regulations through regular visits to police stations, army camps and prisons; this is done by nine regional centres and the Head Office staff, with the latter covering 136 police stations on 13 routes every month. In the course of this round of visits "missing persons" are sometimes located and their families informed. This work requires familiarity with police

procedures and practices as the registers have to be examined to check on persons detained and the legality of their detention;

ii. Investigating complaints of disappearances and abductions by the security forces;

iii. Maintaining a round-the-clock facility at the Had office and most regional centers for entertaining complaints;

iv. Taking remedial action when irregular detention or inhuman treatment is observed;

v. Inquiring into complaints made against police office officers;

vi. Advising the government in cases of non-compliance with HRTF regulations or Presidential directions so that human rights violations can be minimized.

The rescinding, with effect from 30 June, of the emergency regulations creating the HRTF will dismantle this specialized service which has been built up over the years, leaving a gap in the mechanisms available for the protection of the life, liberty and security of our people.

The Civil Rights Movement (CRM) is aware that some of the functions discharged by the HRTF have also been written into the Act establishing the Human Rights Commission. The discharge of these function will therefore ultimately become the responsibility of the Commission. However, to the best of our knowledge, the Commission has not yet become operative and has not built up the institutional capacity for this purpose.

CRM has always been aware of deficiencies in the services provided by the HRTF, and has not hesitated to point them out. A glaring

omission has been the absence of a regional office in Jaffna. As long ago as November 1996 the government announced that such an office would be opened within two weeks. Most regrettably the authorities did not take the necessary action to implement this. The HRTF has been seriously remiss in its pursuit of wrongdoers; though many cases of violations have come to its knowledge, it has not instituted a single prosecution against an errant member of the security forces. (It is to be hoped that the Human Rights Commission will, once it gets going, manifest a more robust attitude in this regard). These deficiencies do not make the prospect of the premature demise of the HRTF any less appalling. It has been CRM's experience that prompt action has been taken on cases we have referred to it, and we certainly felt its absence when, immediately after the change of government, the provisions that all arrests must be reported to the HRTF was unaccountably dropped from the emergency regulations, and the status of the Task Force itself became unclear. There was a nine month gap during which concern was voiced by human rights organizations both at home and internationally. Fortunately the HRTF was revitalized, new regulations and important presidential Directions thereunder made, and the same staff continued, so that the expertise gathered over the years was not lost to the public.

Our country has had more than its share of "disappearances", extrajudicial executions and torture in custody. We must not ignore the lessons of experience. We just cannot afford any gap in the protection of the life and liberty of persons liable to arrest and detention. There is also the question of fair and proper treatment of its staff. It is not too late for the government to rescind the regulation which would make the HRTF disappear in a few days time, or take other remedial action to ensure its services continue uninterrupted and undiminished.

#### NOTES

1. The Emergency (Human Rights Task Force) Regulations No 1 of 1995
2. Presidential directions dated 18 July 1995 issued under the HRTF Regulations
3. Presidential directions Paras 3 (i), 3(iv) and 4

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*We referred in our last issue to certain proposed interventions by the government in the cultural field. These proposals aroused bitter contention and have been keenly debated at many meetings of interested groups.*

*We reproduce below a statement issued by over 150 of the most distinguished writers, dramatists, film makers and critics in the country.*

## PROTEST AGAINST PROPOSED BILLS CONCERNING CULTURE AND THE ARTS

**W**e make this statement to record our reactions to and protest over four bills that have been gazetted by the Minister of Cultural Affairs to create a Central Cultural Council and three Academies for literature, theater and drama and visual arts and crafts.

We believe that any policy or policy instruments being devised today in respect of culture and the arts must take into consideration the following principles:

i. Sri Lankan society is multi-ethnic and therefore multi-cultural; it is the obligation of the state to safeguard and ensure the collective cultural rights of all ethnic groups.

ii. Sri Lanka is a signatory to international human rights instruments which oblige the government to ensure the due observance of (i) the right of all citizens to culture and to access to cultural activity and (ii) the freedom of expression in the arts.

iii. The devolved political structures we are moving to will make the promotion of culture no longer the preserve of the central government; as a matter of fact, the devolution proposals submitted to Parliament by the government indicates that culture is a regional subject; state intervention will have to be conducted at both central and regional levels.

The Government has in fact enshrined these principles in its policy statement which emphasizes "the importance of culture as a necessary dimension of total development" and maintains that "the autonomy of arts and literature" will be respected through "the minimum of interference by the state but with substantial assistance".

It is our contention that the present bills have not been drafted with these principles in mind.

Given the exigencies and immediate context of the Sri Lankan situation, we believe that some state intervention in culture and the arts is necessary; however, this intervention should be through