



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Sri Lanka Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

SRI LANKA

Sri Lanka is a longstanding democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. President Chandrika Kumaratunga leads the People's Alliance (PA), a coalition of parties, which holds a single seat majority in parliament. Both the Parliament and the President were elected in free and fair elections in 1994. The Government respects constitutional provisions for an independent judiciary.

The conflict between the Government and the Liberation Tigers of Tamil Eelam (LTTE), an insurgent organization fighting for a separate state for the country's Tamil minority, continued beyond its 13th year and intensified. A 6-month government military offensive captured the LTTE heartland of the Jaffna Peninsula in April, adding tens of thousands to the ranks of displaced persons. The LTTE inflicted a major military defeat on government forces at Mullaitivu army base in the north, killing upwards of 1,500 troops.

The Government controls all security forces. The 50,000-member police force is responsible for internal security in most areas of the country. The 80,000 member army, and the small navy and air force, conduct the war against the LTTE insurgents. The police paramilitary Special Task Force (STF) also battles the LTTE. The 5,000 strong Home Guards, an armed force drawn from local communities, provides security for Muslim and Sinhalese village communities in or near the war zone. The Government also arms and directs various Tamil militias opposed to the LTTE, though at times these groups act independently of government authority. During the year, some members of the security forces committed serious human rights abuses.

Sri Lanka is a low-income country with a market economy that is based on the export of textiles, garments, tea, rubber, coconuts, and gems, and on earnings from tourism. The gross domestic product per capita is about \$700. The economy grew in excess of 5 percent per year during 1990-1995. However, a severe drought coupled with the ongoing civil war, slowed economic growth to less than 4 percent during 1996. During the year, the Government made significant steps toward economic reform, including trimming subsidies, privatizing government enterprises, and promoting foreign investment and trade.

The Government generally remained committed to the human rights of its citizens. However, the intensification of the war with the LTTE was accompanied by a deterioration in the human rights record of the security forces in some areas. In February the security forces were responsible for the extrajudicial killings of at least 50 Tamils, including the murder of 24 civilians in the eastern village of Kumarapuram by army troops. At least 300 individuals are believed to have disappeared from security force custody on the Jaffna Peninsula, while 50 more disappeared elsewhere on the island. Torture remained a serious problem, and prison conditions remained poor. There were an increase in detentions and short-term mass arrests, often accompanied by failure to comply with some of the protective provisions of the Emergency Regulations (ER). Impunity for those responsible for human rights abuses remained a problem. Progress was made in some unresolved, high-profile cases of extrajudicial killing and disappearance. In others, however, the investigations or judicial processes were inactive, giving the appearance of impunity for those responsible for human rights violations. At year's end concern was mounting over the failure of both the Government and the LTTE to take prisoners of war on the battlefield. From April to October, the Government censored all domestic news reports relating to military or police matters. Discrimination and violence against women, child prostitution, and child labor continued to be problems.

In positive developments, the Government took steps to control the abuses. Legislation was passed establishing a permanent human rights commission, although the commission was not yet operational at year's end. Prosecutions of security force personnel alleged to have engaged in human rights abuse continued, including that of 8 soldiers charged in the Kumarapuram massacre. There was no attempt, as in the past, to use the ER to cover up security force misdeeds. Sixteen police and army personnel were arrested for the rape and murder of two young women in Jaffna. Through its rulings, the judiciary continued to uphold individual civil rights. Government security forces took effective measures to limit civilian casualties during the military offensive against the LTTE in Jaffna. The Government also provided relief to those displaced by the conflict even though many were still under the control of the LTTE. Three regional commissions established to investigate disappearances continued their investigations. The Government ratified the Optional Protocol to the International Covenant on Civil Political Rights.

The LTTE made terrorist attacks against civilians, although there were no reported attacks in the second half of the year. The LTTE regularly committed extrajudicial killings (including civilian massacres and assassinations), and was also responsible for disappearances, arbitrary arrests, detentions, and torture. The LTTE terrorist bombing of the Central Bank in Colombo in January killed 90 civilians. Seventy commuters in Colombo died in a train bombing in July. LTTE guerrillas routinely used excessive force in the war. In the attack on Mullaitivu, which killed 1,500 government troops, the LTTE claims to have taken no prisoners. Though largely dislodged from the Jaffna Peninsula by government forces, the LTTE continued to control large sections of the north and east of the country through authoritarian military rule, denying the people under its authority the right to change their government, routinely violating their civil liberties, and severely discriminating against ethnic and religious minorities. The use of rape by the LTTE as a weapon of terror, first noted in 1995, did not reoccur.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Police (mostly STF officers) and army personnel committed extrajudicial killings in both Jaffna and the Eastern Province. Most of these were associated with operations against the LTTE insurgents or interrogation of suspected rebels. In excess of 50 individuals were killed, although the exact number was impossible to ascertain due to a long period of censorship of news relating to military or police operations, and lack of access to the north and east where the civil war was being waged. In February army troops murdered 24 Tamil villagers, including 2 children under 12 years of age, in the eastern village of Kumarapuram. Eight soldiers were arrested and the Attorney General's office recommended to the High Court that they be indicted on 101 counts of murder and attempted murder. They had not yet come to trial at year's end.

In some cases these extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces were killed or injured. Several such reprisals occurred during operations by the STF. In many cases, the security forces claimed that the victims were members of the LTTE. However, human rights monitors have determined that these victims were civilians. With the exception of the Kumarapuram incident, the perpetrators of these killings had not been arrested by the Government at year's end. There were also a number of suspicious deaths attributed to the security forces, mostly involving detainees acting as government informants who died during operational missions against the LTTE.

In October 1995, 22 members of the STF were arrested and detained under the ER on suspicion of murdering 23 Tamil youths whose bodies were found floating in Bolgoda Lake and other bodies of water near Colombo. The suspects were released on bail and resumed their police functions in February. In July the charred body of a Tamil textile merchant who had been detained under the ER was found at Giribawa in North Central Province. Six police officers, including the officer in charge of the police countersubversive unit in Vavuniya, were arrested and detained under the ER. In both cases, the police investigation was submitted to the Attorney General's department, which had not yet made any recommendations to the High Court by year's end. In the case of the Bolgoda Lake killings, problems with the Government's evidence have reportedly contributed to the delay.

A presidential commission was established to investigate torture and murder in the late 1980's at a government-run detention center at Batalanda Housing Estate near Colombo. In August five police officers were arrested for alleged complicity. The investigation was continuing at year's end.

In November, 16 police and army personnel were arrested for the rape and murder of Krishanthi Kumaraswamy, the murder of her family member, and the rape and murder of Rajini Velayuthapillai in Jaffna. The 11 accused in the Kumaraswamy case were brought before the magistrate's court in Colombo and charged with rape and murder.

The PA Government came to power in 1994 promising to bring to justice the perpetrators of extrajudicial killings from previous years. In 1994 it began prosecutions of suspects in several extrajudicial murders allegedly perpetrated by members of the security forces. The trial of 21 soldiers, accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district, was transferred to the Colombo High Court. The Attorney General recommended to the Court that the suspects be indicted on 40 counts of murder. The trial of 4 police officers indicted in 1994 for the 1990 murders of 12 civilians in Wavulkelle was still ongoing at year's end.

There were no developments in the government investigations into the mass graves at Sooriyakanda, which contain an estimated 300 bodies, or the grave at Ankumbura, which is thought to contain the bodies of 36 people killed by the police in 1989. In addition, there were no developments in the Nikaweratiya army camp incident in which 20 youths were allegedly killed by soldiers in 1989.

In April the ER, which had previously been in force only in areas of the north and east directly affected by the insurgency and in Colombo, was reimposed nationwide. There was no evidence that the Government was using them, as in previous years, to conceal extrajudicial killings or disappearances. However, crucial safeguards built into the ER were being routinely ignored by the security forces--especially those provisions requiring receipts to be issued for arrests and ordering the security forces to notify the Human Rights Task Force (HRTF) of any arrest within 24 hours. The HRTF is a quasi-independent government body established by an ER to register detainees held under the ER and the Prevention of Terrorism Act (PTA), and monitor their welfare. Although security force personnel can be fined or jailed for failure to comply with the ER, none was known to have been punished during the year.

In the east and in Vavuniya in the north, the military wing of the People's Liberation Organization of Tamil Eelam (PLOTE), the Mohan Group, and the Rasheek Group--progovernment Tamil militant organizations--were responsible for the killing of a number of people. Though armed and nominally under the control of the security forces, these groups frequently acted independently of government authority. It was impossible to determine the number of victims because of the secrecy with which these groups operated. However, those killed included both LTTE operatives and civilians who failed to comply with extortion demands.

Violence between supporters of the major political parties worsened during the year. Politically motivated attacks resulted in a number of deaths, including eight people in the coastal town of Negombo in September.

There were no developments in the October 1994 suicide bombing that killed the United National Party's presidential candidate, Gamini Dissanayake, and 58 other people, although it is generally believed to be the work of the LTTE.

The LTTE continued to commit extrajudicial killings. In January a midmorning bomb blast at the Central Bank in the heart of Colombo killed more than 90 civilians. In July, 70 commuters in Colombo died in a train bombing. In the same month, an attempted assassination attempt against the Minister of Housing by a suicide bomber in Jaffna left 25 dead, including an army brigadier. Numerous assassinations of political opponents in the east were perpetrated by "pistol gangs", who successfully carried out their attacks using motorcycles and revolvers. Massacres of civilians continued. In June, 14 Sinhalese villagers were killed in Puttalam district. In September, 11 Sinhalese travelers were murdered in an ambush on a bus in Ampara district. The LTTE continued to execute suspected government informants. In the past, the LTTE has killed university professors, members of nonviolent Tamil opposition parties, and human rights monitors.

b. Disappearance

Disappearance at the hands of the security forces increased alarmingly, especially in the east and north, though some occurred in Colombo. Most of these were associated with the arrest of suspected LTTE insurgents. In excess of 300 individuals are believed to have disappeared on the Jaffna Peninsula in the second half of the year, and more than 50 elsewhere in the country throughout the year. As with extrajudicial killings, the exact number was impossible to ascertain due to censorship of news about

security force operations, and lack of access to the north and east.

There were 34 confirmed cases of disappearance in 1995, and 10 cases in 1994, the lowest number on record in at least a decade. Those who disappeared in 1996 and in previous years are presumed dead. The disappearances involved persons last known to be in police or army custody. The Commander of the Army and the Inspector General of Police have both issued directives condemning disappearances and stating that perpetrators would be called to account. In November, the Ministry of Defense established a Board of Investigation to look into disappearances in the north and east and review forces procedures. However at year's end, the Government had not identified or charged those responsible for disappearances during the year.

The Government continued investigations into past disappearances. The three regional commissions set up in November 1994 to inquire into disappearances occurring after January 1, 1988, worked throughout the year. Through August the commissions received 61,300 complaints. Most of these cases date from 1988-90, when a terrorist insurrection organized by the Janata Vimukti Peramuna (JVP) threatened to plunge the country into chaos until it was put down by a brutal counterinsurgency campaign. Of these, they were able to review 38,000 individual cases, leaving 23,000 outstanding. Charged with producing final reports for President Kumaratunga, including recommendations for legal action, the commissions were believed to have accumulated sufficient information to prosecute as many as 200 members of the security forces for human rights violations. No final reports were produced, as the mandates of the commissions were extended into 1997. The November 1995 final report of the Presidential Commission of Inquiry into the Involuntary Removal of Persons was made available to the three regional commissions. The Commission was formed in 1991 to investigate disappearances after that date.

The trial of 11 suspects, including an army brigadier general, in the disappearance of 32 school boys from the southern town of Embilipitiya in 1989 and 1990 continued at year's end. However, there were no developments in the Vantharamulle case, in which army troops allegedly abducted 158 Tamils from a refugee camp in Batticaloa district in 1990. Observers maintain that there is credible evidence identifying the alleged perpetrators. There were also no developments in the case of 31 youths who allegedly disappeared following their arrests in Divulapitiya in 1989.

The Government continued to give the International Committee of the Red Cross (ICRC) unhindered access to detention centers, police stations, and army camps. This played an important role in enabling the ICRC to monitor the human rights practices of the security forces, as did the work of the HRTF. However, at year's end the HRTF had not yet established operations on the Jaffna Peninsula, in part because government approval had been delayed until October.

Progovernment Tamil militants in the east and north, acting independently of government authority, were also responsible for disappearances. As in the case of extrajudicial killings, it was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government has taken no clear public steps to condemn the militants' actions or to stop them.

The LTTE was responsible for an undetermined number of civilian disappearances in the northeastern part of the island. Most of the 400 to 600 police officers captured by the LTTE in 1990 are believed to be dead, as are over 200 security force personnel captured at a battle in Pooneryn in 1993. Although the LTTE denies taking any prisoners following the Mullaitivu battle in July, it is suspected of holding some. The vice chancellor of Eastern University, who was kidnaped by the LTTE in November 1995, was released in January.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In 1994 the Government acceded to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Parliament also enacted legislation to implement the Torture Convention by making torture a punishable offense. However, the Government has not yet developed effective regulations under the new legislation to prosecute and punish military and police personnel responsible for torture, although it has ceased paying fines incurred by security force personnel guilty of the offense.

Members of the security forces continued to torture and mistreat detainees and other prisoners, both male and female, particularly during interrogation. Although the number of torture reports was somewhat lower than in previous years in the Colombo area, the situation in Eastern Province did not improve. Torture also emerged as a problem in the newly recaptured Jaffna Peninsula. In November a Supreme Court judge stated publicly that torture continued unabated in police stations in spite of a number of judicial pronouncements against its use. Progovernment Tamil militants in the east and north, directly responsible to the security forces, also engaged in torture. Most torture victims were Tamils suspected of being LTTE insurgents or collaborators.

Methods of torture included electric shock, beatings (especially on the soles of the feet), suspension by the wrists or feet in contorted positions, burning, near drownings, placing of insecticide, chili powder, or gasoline-soaked bags over the head, and forced positions. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were no reports of rape in detention.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the Supreme Court. The Court granted awards ranging from \$200 to \$2,000. Most cases, however, take 2 years or more to move through the courts. Moreover, because the new antitorture law imposes a heavy minimum punishment of 7 years' imprisonment, the Court is scrutinizing fundamental rights cases more carefully than in the past, since findings would weigh heavily in criminal prosecutions of torturers. During the year, no one was convicted of torture under the antitorture law.

The LTTE reportedly used torture on a routine basis. However, because of the secretive nature of the LTTE, no first-hand information was available.

Prison conditions are generally poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. An increase in the number of detentions associated with the war with the LTTE caused a significant deterioration in already poor standards in short-term detention centers. However, the Government permitted representatives from the ICRC to visit more than 400 places of detention.

Conditions are also believed to be poor in prisons operated by the LTTE.

d. Arbitrary Arrest, Detention, or Exile

Under ordinary law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained under ordinary law generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to 3 months or longer. Under the ER and the PTA, security forces may detain suspects for extended periods of time without court approval. The ER, in force throughout the nation, allow pretrial detention for a maximum of four consecutive 3-month periods. A magistrate must order further detention. Detainees may challenge their detention and sue the Government for violating their civil rights in the Supreme Court.

In spite of government announcements that it would close all secret detention centers, there were continued reports that the security forces held people in such a manner, especially on the Jaffna Peninsula. Tamil militant groups, ostensibly under the direct control of the security forces, were known to be operating illegal--and unmonitored--detention centers in the east and in Vavuniya.

Detention of Tamils continued to increase as a result of the continuing hostilities with the LTTE. At year's end the Government held as many as 1,500 detainees under the ER, up from 380 at the end of 1994 and 940 at the end of 1995. Many of these detainees were arrested during operations against the LTTE. Between June and September, 460 suspected members of the LTTE were detained on the Jaffna Peninsula. The Government continued to detain up to 300 individuals under the PTA, which permits detention without charge for up to 18 months. A hunger strike in June by Tamils detained without charge under the PTA highlighted the fact that some had been so incarcerated for up to 4 years.

Arrests and detentions by the police increasingly took place in violation of the legal safeguards built into the ER, particularly regarding requirements that receipts be issued and that the HRTF be notified of any arrest within 24 hours. Due to censorship and lack of access, it was unclear what happened to detainees on the Jaffna Peninsula.

Security forces continued to conduct mass arrests of young Tamils, both male and female, especially following the LTTE assassination attempt in Jaffna against the Minister of Housing, and the LTTE attack on Mullaitivu in July. Major sweeps and arrests occurred in Colombo, the east, and increasingly, on the Jaffna Peninsula. Although exact numbers of arrests were impossible to determine, they clearly numbered in the thousands. Upwards of 1,000 Tamils at a time were picked up during police actions. Most were released after identity checks lasting several hours to several days. The Government justified the arrests on security grounds, but many Tamils claimed that the arrests were a form of harassment. In addition, those arrested, most of whom were innocent of any wrongdoing, were detained in prisons together with hardened criminals.

The HRTF continued to investigate the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRTF is legally constituted under the ER to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces routinely breached the regulations and failed to cooperate with the HRTF. Moreover, following the capture of Jaffna in April, the HRTF was not given permission by the Ministry of Defense to set up operations on the peninsula until October, in spite of provisions in the ER legally requiring the security forces to assist the statutory body. At year's end the HRTF had not yet opened an office on the Jaffna Peninsula.

There were unconfirmed reports that the LTTE was detaining more than 2,000 civilians in the northern part of the island. The LTTE did not permit the ICRC or any other humanitarian organization to visit its detainees--aside from 22 security force personnel, 17 Sinhalese fishermen, and 8 crew members of a civilian ferry hijacked in 1995.

The Government does not practice exile. There are no legal provisions allowing or prohibiting its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects these provisions in practice.

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial

service commission, comprised of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until mandatory retirement age, which is 65 for the Supreme Court and 62 for judges on other courts.

In criminal cases, defendants are tried in public by juries. They are informed of the charges and evidence against them, may be represented by the counsel of their choice, and have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the court of appeal but not in other cases; private legal aid organizations assist some defendants. There are no jury trials in cases brought under the PTA. Confessions, which are inadmissible in criminal proceedings, are allowed in PTA cases. Most convictions under the PTA rely heavily on them. Defendants bear the burden of proof to demonstrate that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal.

The Government claims that all persons held under the ER and the PTA are suspected members of the LTTE and therefore legitimate security threats. There is insufficient information to determine whether these detainees or members of the now legal Sinhalese Janatha Vimukhti Peramuna (JVP), similarly detained in past years, were political prisoners. Between 200 and 300 of those previously detained--mostly JVP members--have been convicted under criminal law and remain incarcerated. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these people.

The LTTE has its own court system, composed of young judges with little or no legal training. The courts reportedly impose severe punishments. However, the courts operate without codified or defined legal authority, and essentially operate as agents of the LTTE rather than as an independent judiciary.

The LTTE also holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects the constitutional protections of individual privacy and the sanctity of the family and home. The police obtain proper warrants for arrests and searches conducted under ordinary law. However, the security forces are not required to obtain warrants for searches conducted under the PTA. The Secretary of Defense is responsible for providing oversight for such searches. There is no judicial review or other means of redress for alleged illegal searches under the PTA.

The Government is believed to monitor telephone conversations and correspondence on a selective basis. The security forces routinely open mail destined for the LTTE-controlled areas and seize contraband.

The LTTE routinely invades the privacy of citizens. It maintains an effective network of informants. In 1990 the LTTE evicted thousands of Muslim residents from their homes in the north. They currently live in refugee camps.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Hostilities between the Government and the LTTE continued throughout the year. However, the security forces generally exercised much greater restraint in the use of excessive force than they had previously. From October 1995 through April 1996, the Government conducted coordinated military attacks on LTTE-held territory in the Jaffna Peninsula, resulting in the capture of Jaffna City in December 1995 and the remainder of the peninsula by April. Government forces also captured the town of Kilinochchi

in September. Altogether, the fierce fighting in the north resulted in many casualties on both sides and upwards of 480,000 displaced persons.

The Government, however, took measures to limit the number of civilian casualties in the war. Notices were dropped warning civilians to congregate in schools, churches, and temples to minimize risk. In addition, during the Jaffna offensive, shelling in advance of troops attacking through populated areas was kept to a minimum in order to spare civilians, though Kilinochchi was shelled to a much greater extent in the July advance. Civilian casualties were also reduced due to the relatively slow and methodical manner in which government security forces pushed forward, which enabled civilians to flee well in advance of troop movements. The Government, assisted by international relief organizations, continued to channel emergency food and limited medical supplies to the civilians displaced in the fighting, including those living in areas controlled by the LTTE. The security forces also continued to carry out human rights instruction as part of their training courses (see Section 4).

Nonetheless, a massacre of villagers by army troops occurred at Kumarapuram in the east (see Section I.a.). In an incident in December 1995, members of the STF in Batticaloa district in the east commandeered a civilian bus to move quickly to defend an STF camp at Pudukudiriippu that was under attack by the LTTE. They forced the civilians to remain on board, resulting in several civilian deaths when the bus came under LTTE fire. There has been no investigation into this incident.

The Government held only three LTTE cadres as prisoners of war (POW's). All were captured in previous years. In the past the number of POW's was limited by the guerrilla tactics of the LTTE, the LTTE practice to make every effort to remove wounded cadres from the battlef