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## U.S. Department of State

### Sri Lanka Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### 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 governing People's Alliance (PA), a coalition of parties. Both the Parliament and the President were elected in free and fair elections in 1994. The Government respects constitutional provisions for an independent judiciary.

For the past 15 years the Government has fought the Liberation Tigers of Tamil Eelam (LTTE), an insurgent organization fighting for a separate state for the country's Tamil minority. The conflict has claimed over 55,000 lives. In May 1997 the fighting intensified, with the Government launching a major offensive aimed at opening a land route to the Jaffna peninsula through LTTE-controlled territory in the north. The offensive, which concluded in December, has resulted in approximately 5,000 combatants killed on both sides and has displaced tens of thousands of persons from their homes.

The Government controls all security forces. The 50,000-member police force is responsible for internal security in most areas of the country and also has been used in military operations against the LTTE. The 118,000-member army (which includes the Army Volunteer Force), the 15,000-member navy and 17,000-member air force bear principal responsibility for conducting operations against the LTTE insurgents. The Police Paramilitary Special Task Force (STF) also battles the LTTE. The more than 15,000-member Home Guards, an armed force drawn from local communities and responsible to the police, 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, although 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, tea, rubber, coconuts, and gems and on earnings from tourism and repatriated earnings of citizens employed abroad. The gross domestic product per capita is approximately \$850. The economy's growth rate was 6.8 percent in 1997 and growth for 1998 was expected to be 5.0 percent due to continued strong garment and tea exports. In 1997 the Government made significant steps toward economic reform and liberalization, including privatizing some government enterprises and promoting foreign investment and trade. These steps continued in 1998.

The Government generally respected the human rights of its citizens in areas not affected by the insurgency; however, the ongoing war with the LTTE continued to be accompanied by serious human rights abuses by the security forces. Security forces committed at least 33 extrajudicial killings, and apparently killed prisoners captured on the battlefield. In addition, up to 11 individuals disappeared from security force custody in Vavuniya and in the east. At least 25 other persons reportedly disappeared or were killed after last being seen near the army's forward defense lines in the north, areas that civilians are ordered by the military to avoid. The circumstances of such disappearances and killings were unclear. Torture remained a serious problem, and prison conditions remained poor. Arbitrary arrests--including short-term mass arrests and detentions-- continued, often accompanied by failure of the security forces to comply with some of the protective provisions of the Emergency Regulations (ER). Impunity for those responsible for human rights abuses remained as a serious problem. No arrests were made in connection with the disappearance and presumed killing of at least 350 LTTE suspects in Jaffna in 1996 and 1997. Progress was made in a few longstanding high profile cases of extrajudicial killing and disappearance. However, in most cases, no progress was made, or there was no investigation or prosecution at all, giving the appearance of impunity for those responsible for human rights violations. The Government infringed on citizens' privacy rights and at times restricted freedom of the press. The Government engaged in direct censorship of domestic newspaper reporting and foreign television broadcasts on military and some security operations from June through the end of the year. On occasion security forces harassed journalists. There were some restrictions on freedom of movement. 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. The national Human Rights Commission (HRC) continued its operations at 10 offices around the nation; however, human rights observers believed that the HRC was not pursuing aggressively its mandate due to poor leadership. The Government also established a cabinet-level committee to inquire into undue arrest and harassment, initially known as the Anti-Harassment Committee, to investigate complaints and take remedial action as necessary to alleviate problems associated with alleged harassment and arrests and other security force actions. In the Krishanthi Kumaraswamy murder and rape case, in which a young woman and three other individuals were killed in September 1996 in Jaffna, the Government concluded an expedited trial for the eight persons accused, the ninth having died of natural causes. The trial, which began in September 1997, ended on July 3. Six of the accused were found guilty and sentenced to death; the two other accused persons were acquitted. One of the soldiers convicted claimed to have knowledge of a mass grave at Chemmani in Jaffna where the bodies of up to 400 Tamils killed by security forces were buried. The Government has been slow to investigate this claim. There was no attempt, as in the past, to use the ER to cover up security force misdeeds. Through its rulings, the judiciary continued to exhibit its independence and uphold individual civil rights. Government security forces continued to take effective measures to limit civilian casualties during military operations. The Government also continued to provide relief to those displaced by the conflict even though many were still in areas under LTTE control such as the Vanni area. However, government restrictions on medical supplies and a significant

reduction in food rations contributed to poor health conditions for civilians in the Vanni. Three regional commissions established to investigate disappearances over the period from 1988 to 1994 completed their investigations in 1997 and their reports finally were made public in February. The reports concluded that more than 16,000 persons had disappeared after having been forcibly removed by security forces (including paramilitary organizations) and antigovernment elements, primarily the leftist Janatha Vimukthi Peramuna (JVP). Following their publication, the Government began submitting cases of alleged human rights abuses to the Attorney General's office for review and possible prosecution of those involved. The Attorney General had referred over 100 indictments to the courts and action reportedly had been filed against 28 security force personnel by year's end. A fourth commission was established in May to investigate those cases of disappearance that the first three commissions could not investigate before their mandates expired.

There are several former Tamil insurgent organizations that now are aligned with the Government. These progovernment Tamil militants sometimes committed extrajudicial killings and were responsible for disappearances, torture, detentions, extortion and forced conscription in Vavuniya and the east. The military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) committed many such abuses. The Government took no clear action to stop such abuses.

The LTTE attacked civilians during the course of the year. The LTTE regularly committed extrajudicial killings, including killing prisoners taken on the battlefields, and also was responsible for disappearances, torture, arbitrary arrests, detentions, and extortion. The LTTE killed 13 worshipers, including several children, in a truck bombing of the "Temple of the Tooth" on January 25. The temple is the holiest Buddhist shrine in the country. On March 5, a vehicle bomb in downtown Colombo killed 36 persons, including the LTTE suicide bomber. More than 250 persons were injured in the attack. The LTTE also killed the newly elected mayor of Jaffna on May 17 and killed a Tamil Member of Parliament, his 3-year-old son, and three others on July 15. On September 11, a powerful LTTE bomb in a municipal building in Jaffna killed 12 persons, including the succeeding mayor of Jaffna, 4 other civilians, and 7 security force personnel. On December 29, the LTTE killed another senior Tamil politician in Jaffna. Several LTTE "lamp post" killings occurred in which those found guilty of offenses by the LTTE's self-described courts were executed and their bodies tied to lamp posts or otherwise left for public display. Through a campaign of killing and intimidation, the LTTE undermined the work of local government bodies in Jaffna whose members had been elected in free and fair elections on January 29. LTTE attacks on international shipping continued, with the LTTE hijacking an Omani-flagged cargo vessel on August 14.

The LTTE continued to control large sections of the north and east of the country through authoritarian military rule. It denied the people under its authority the right to change their government, infringed on their privacy rights, routinely violated their civil liberties, operated an unfair court system, restricted freedom of movement, and severely discriminated against ethnic and religious minorities.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

Police, home guards, and army personnel committed extrajudicial killings in the eastern province, and army personnel also were responsible for killing a number of persons in the Vavuniya area in Jaffna in the north. At least 33 such killings occurred, many of them associated with operations against the LTTE insurgents or with the interrogation of suspected terrorists. In at least 18 other cases, persons were killed

near the army's forward defense lines near Vavuniya, Mannar, and Kilinochchi where civilians are warned not to proceed. Security force bombs and artillery fire also killed civilians (see Section 1.g.). The exact number of extrajudicial killings was impossible to ascertain due to censorship of news relating to military or police operations, and to lack of regular access to the north and east where the war was being waged.

In some cases these extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believe otherwise. In Thampalakamam in the Trincomalee district on February 1, police and home guards allegedly massacred eight Tamil civilians, including three children, possibly in reprisal for the LTTE bombing of the "Temple of the Tooth" 1 week earlier. Some 31 police officers and 10 home guards were arrested in connection with the case. In September 21 of these individuals were charged, 4 with murder and 17 with unlawful assembly. The other 20 were released after t