

FILE ON
HUMAN RIGHTS VIOLATIONS

SRI LANKA

**ARREST
DETENTION
& TORTURE**

A TIC & HRC (SCOT) PUBLICATION

"Mass arrests of Tamil youth are being carried out. Detainees in the custody of the state have been killed. Some of the security forces have carried out massive reprisals against the civilian population and, in the course of their operations, have killed many people, and have caused much damage to private property, burning and destroying homes and farms... State security forces are now adopting, in the Jaffna district, the method of cordoning off specific areas and then taking into custody all young Tamil males, falling usually between the ages of 15 and 30, caught within the cordoned areas. These persons are being taken into custody on the basis that they belong to a specific ethnic, age and sex group amongst whom there may be suspected offenders."

Civil Rights Movement of Sri Lanka 25.1.85



"Kanagaratnam Gunapalasingham, a Sri Lankan cigar manufacturer, committed suicide in September 1981, having been detained, tortured and released in May. Amnesty International possesses his affidavit submitted before a justice of the peace on 2 August 1981. The medical expert who examined him on his third admission to hospital for treatment of physical and mental after-effects of torture told Amnesty International that Kanagaratnam Gunapalasingham was refusing food and drink and was unable to talk, expressing himself only by way of gestures. He had difficulties in passing urine. The doctor said that he had found signs of haematoma (clotted blood) in both the big toe folds and on both heels consistent with the allegations made by Kanagaratnam Gunapalasingham in his affidavit that needles had been driven into both his toes and heels. The doctor told Amnesty International the patient had hysterical attacks, continuously referring to the army assaults. The medical experts concluded that he was profoundly psychiatrically disturbed possibly as a consequence of torture."

— From "TORTURE IN THE EIGHTIES", page 25, by Amnesty International.



"During 1985 Amnesty International received many well-documented reports from eye-witnesses and others stating, in sworn affidavits, that unarmed Tamil civilians were arbitrarily killed by security forces personnel often in reprisal for attacks by armed Tamil groups on Sri Lanka security forces personnel or on Sinhalese civilians. As an indication of the scope of such extrajudicial killings, Amnesty International received, for the one year period of 1 January to 31 December 1985, sworn statements by individuals alleging arbitrary killings in 412 cases by security forces personnel including many eye-witness accounts of such killings, the victims including men, women and children. Like previous allegations, recent reports of extrajudicial killings concern the army, navy and airforce, but also, for the first time during 1985, the Home Guards, a new auxiliary armed force of reportedly poorly trained and undisciplined non-Tamil civilians. Extrajudicial killings are not only regularly reported from the north of Sri Lanka, where most of the Tamils live, but apparently occur on an increasing scale in the Eastern Districts, inhabited by a mixed population of Tamils, Sinhalese and Muslims, where increased acts of violence have been reported during 1985 both on the part of armed Tamil groups and security forces personnel.

In many cases, official reports of these incidents state that the victims were 'Terrorists' killed in combat; however detailed reports received by Amnesty International from eye-witnesses state that those killed were unarmed non-combatant civilians, often apparently killed in retaliation."

— REPORT OF THE AMNESTY INTERNATIONAL — 30 April 1986.



SRI LANKA

HUMAN RIGHTS VIOLATIONS

ARREST, DETENTION & TORTURE

BY

P. RAJANAYAGAM

ISBN No 1 85201 001 0

Jointly published by

TAMIL INFORMATION CENTRE & HUMAN RIGHTS COUNCIL — SCOT

PREFACE

“My delegation would like to take this opportunity to answer certain allegations that were made against the Sri Lanka government. We reject, categorically reject the allegations that there have been either selective or indiscriminate killings of civilians whether they be men, women or children. We also categorically deny that any person arrested has been tortured”, said Dr. H. W. Jayewardene, the head of Sri Lanka’s delegation at the 42nd sessions of the UN Human Rights Commission held during February, March 1986.

This document while disproving this rather tenuous claim, seeks to highlight the gravity of the human rights situation in Sri Lanka. It deals with two areas of human rights violations: (i) Arrest and Detention; and (ii) Torture and Inhuman Treatment. Eye-witness accounts, interviews with victims, sworn testimonies and reports and data from human rights organisations constitute the background material for this document. The author also has relied heavily on the various reports of the Amnesty International to which we are grateful.

SCOT – HUMAN RIGHTS COUNCIL

*Cedar House,
2 Woodfield Place,
London W9 2BJ.*

TAMIL INFORMATION CENTRE

*3rd Floor
24-28 Clapham High Street
(Voltaire Road Entrance)
London SW4 7UR*

JANUARY 1987

INTRODUCTION

The continuing ethnic conflict in Sri Lanka has had serious implications for the democratic and human rights situation in that country during recent years. While gross violations of human rights have become almost a fact of life at least for the island's Tamil population in the north and east of the country, the present government which came to power in 1977 continues to remain in office having deprived the people of their right to a general election. The government also has used the ethnic conflict and the resulting heightened tensions between the two major communities to suppress many of the democratic and human rights of the majority of the people, including the Sinhalese community. It has ruled the country under a state of emergency for most of its life.

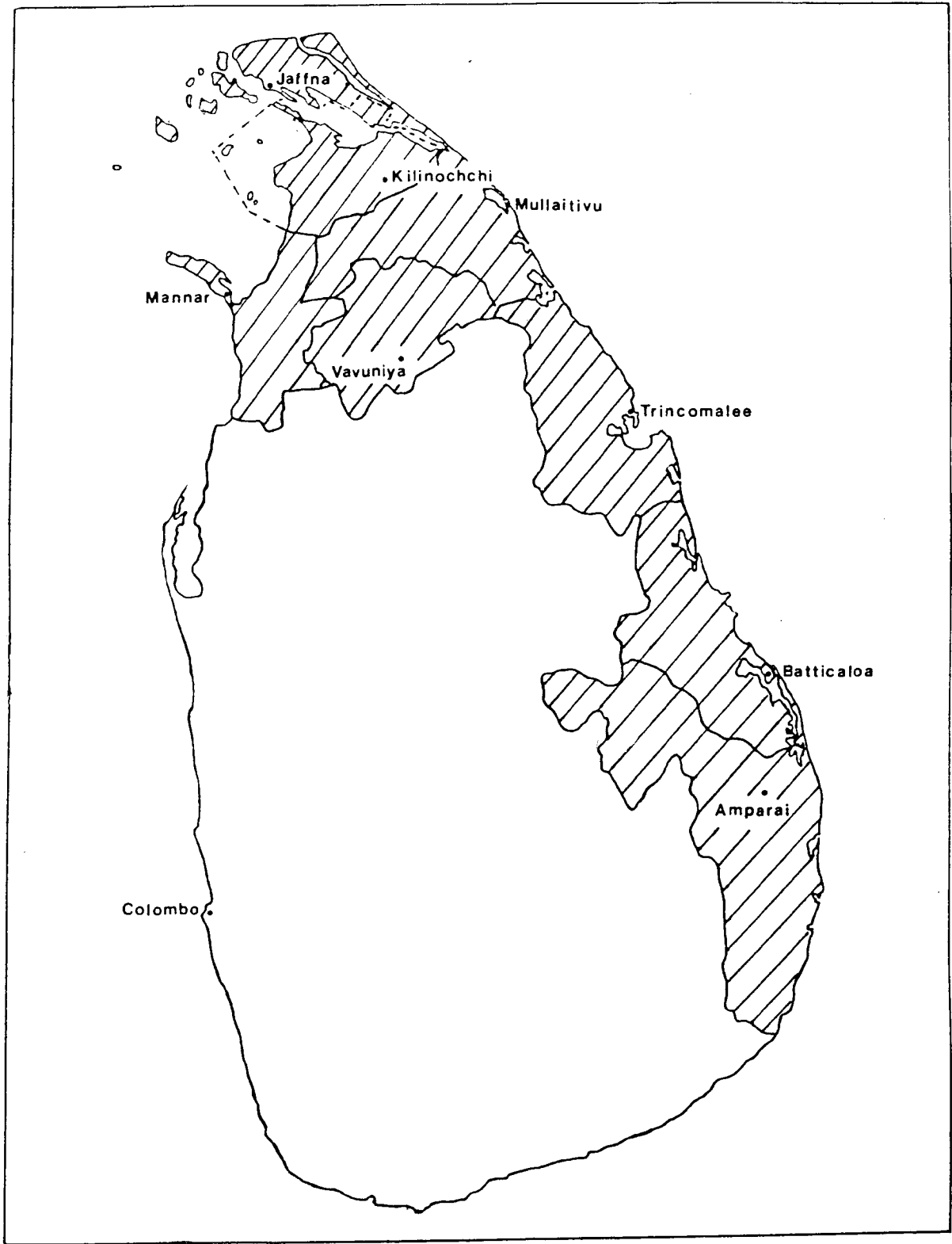
A massive programme of militarisation has been undertaken by the government ostensibly to deal with the security problem posed by the actions of Tamil guerrilla groups. The number of men under arms has considerably increased. A scheme for setting up army camps and bases within five miles of each other throughout the north and east of the country is being put into operation. The induction of foreign elements into the security and military structures of the country is an officially admitted fact. That Israeli and ex S.A.S. British personnel are operating in the island is also established.

The government has enacted the Mobilisation and Supplementary Forces Act enabling conscription of civilians for military service. Specially trained commando and para-military units have already been set up. The "home guards", set up in late 1984, are recruited, controlled and directed by politicians of the ruling party. Lacking in basic training, but armed with guns, grenades and petrol bombs, they have wrought havoc and destruction conducting a merciless campaign of looting, arson and murder mainly in the eastern province. The Special Task Force (STF) comprising a two thousand strong specially trained commando unit functions outside the control of either the head of the regular police force or the commander of the armed forces. Citizens Committees in the Eastern Province have attributed many atrocities including a number of extrajudicial killings and "disappearances" to the STF.

Indiscriminate use of bombing, strafing and shelling of civilian centres in the north and east has become a part of the government's military operations. Burning of houses and even whole villages have occurred in many areas and people have been literally driven out of their villages accounting for thousands of refugees within the country. Cases of rape, assault and summary executions, in which the victims have been mainly non-combatant Tamil Civilians have become commonplace.

Mass arrests occur on a regular basis as part of the government's "search and destroy" military operations. Most of those arrested are detained in army camps. Bodies of persons taken into custody have not infrequently been found on road-sides or in paddyfields or jungles. "Disappearance" of persons taken into custody have assumed a common pattern. There is incontrovertible evidence to establish that detainees are invariably subjected to torture. The UN Working Group on Enforced or Involuntary Disappearances has been investigating into hundreds of cases of "disappearances" in Sri Lanka. Amnesty International has produced many reports including "Sri Lanka File on Torture" and "Sri Lanka: Disappearances", the latter documenting several hundred cases of disappearance.

SRI LANKA
NORTHERN AND EASTERN PROVINCES



ARREST AND DETENTION

The Constitution of Sri Lanka provides that no person shall be arrested except according to procedure established by law and that those arrested shall be informed of the reason for his arrest. It also stipulates that no person shall be detained or deprived of personal liberty except upon and in terms of the order of a judge made in accordance with procedure established by law (Article 13). However, both in their content and operation, the provisions of the Prevention of Terrorism Act (PTA) and Emergency Regulations (ER) promulgated under the Public Security Ordinance have removed most of the legal safeguards guaranteed by the Constitution.

Under the PTA, there is no obligation to inform a person of the reason for his arrest. Any person suspected of an unlawful activity' (which is defined in the vaguest and widest possible terms) can be detained for a period of 18 months at a time. The detainees may be held incommunicado with no access to lawyers or relatives and without being brought before a judge. They could be detained in any place or under such conditions as determined by the Minister and the invariable practice has been to detain them in army camps. Detainees could be removed from one place to another.

The PTA was amended in March 1982 to enable detainees to be kept in the custody of the army even while the trial against them was in progress. This amendment was enacted with the express intention of rendering inoperative an earlier order by the Supreme Court that once someone has been or was to be brought to trial, that person should be kept in the custody of the court, and not of the army.

Even where a detainee under the PTA is produced before a court, it has no power to order bail or determine the lawfulness or otherwise of the arrest or detention. A detention order under Section 9 of the PTA is deemed to be final and shall not be called into question in any court or tribunal by way of writ or otherwise.

The position under the Emergency Regulations is no different, if not worse. The Secretary to the Ministry of Defence is empowered to order any person to be taken into custody and detained for an unlimited period in any place and under such conditions as determined by the Secretary (ER17). Such a detention order cannot be called into question in any court on any ground whatsoever.

A police, army, air force or naval officer or any other person authorised by the President is empowered to arrest without warrant any person who is suspected of having committed an offence under the Emergency Regulations and detain him for a period of 90 days. Where a person so detained is brought before a magistrate before the end of the 90 days, the magistrate is required to order such a person to be detained in a prison. He has no power to release the detainee on bail without the written sanction of the Attorney General.

As in the case of detentions under the PTA, detainees under the Emergency Regulations are also held incommunicado for prolonged periods without access to lawyers or relatives.

International human rights covenants provide for the following rights:

- Freedom from arbitrary arrest and detention;
- Deprivation of liberty only upon stated grounds and in accordance with procedures established by law;
- The right to be informed of the reason for arrest or detention, and of any charge;
- The right to judicial control of arrest or detention;
- The right to test the legality of arrest or detention;
- The right to trial within a reasonable time;
- The right to be treated with humanity and respect; and
- Compensation for unlawful arrest or detention.

Almost all these rights have been persistently and flagrantly violated over the years with no apparent intention on the part of the government to remedy the situation. Such violations have been facilitated primarily by the provisions of the Prevention of Terrorism Act and the Emergency Regulations frequently promulgated under the Public Security Ordinance. The violations have become more persistent and frequent in recent years.

ARREST AND DETENTION – 1979

Following the declaration of a state of emergency covering the Jaffna district on 11 July 1979, sixty-nine Emergency Regulations were promulgated suspending almost all normal laws of criminal procedure relating to arrest, detention and disposal of dead bodies.

The indiscriminate arrests, detentions and killings that followed were the subject of an on-the-spot study by the Movement for Inter-Racial Justice and Equality (MIRJE) in Sri Lanka.

According to their report:—

- Arrests took place indiscriminately and wantonly and on a scale never seen before;
- Arrests were made in the streets, at work places and in homes;
- Relatives were not told where the arrested men were being taken;
- No reason was given for arrests;
- Near-relatives were arrested and kept in custody as hostages until the wanted men showed up and surrendered.

Besides individual arrests, mass arrests were effected in what was described as "flushing out operations". On August 14, 1979 a combined force of police and army surrounded two agricultural farms at Nedunkerney in north Sri Lanka and arrested several of the young workers. On August 21, five villages in the northern Jaffna peninsula, Vallai, Idaikkadu, Thampalai, Kathiripay and Pathamani, were surrounded from 10pm till 2pm the following day by a combined army and naval force, a house-to-house search was carried out, and finally an identification parade was held at which the youth of villages were lined up and three masked men (alleged to be informants) pointed to 17 youths who were arrested and taken away.

An Amnesty International delegation which visited Sri Lanka in September 1979 found that:

- persons kept in detention following their arrest in July and subsequently, were denied access to lawyers, and where such access was given prison officials were present

2. "I was kept in a room on my own and I was not allowed to speak to any other prisoners. There was no window. It was only a very small room, like a bathroom, so small that I would not lie down at night. It measured 5 feet by 2 1/3 feet. I was kept there chained for three months and could not lie down and stretch my body at night. During that period I only got very little food and I had a burning feeling in my stomach."

Another ex-detainee described how he had been kept in extremely unhygienic conditions:

"At Elephant Pass Camp I was chained to a wall for 24 hours and I had to lie on the floor. There was no mat. I had to lie in a tiny room where there was an open drain and a stinking smell. The roof leaked. I got a little bread and very little rice only for about two months, then the food improved."

ARREST AND DETENTION DURING 1982-3

Arrests and detentions continued under the PTA of members of the Tamil Community in particular in the north of the country. Amnesty International received information that at least 27 persons had been taken into custody between 13 November 1982 and 7 February 1983 and that arrests were continuing. By April 1983, AI had evidence of at least 64 persons held in detention under the PTA. (AI Report July 1983).

In mid-November 1982 a number of persons, including four members of the Christian clergy, a medical doctor, a university lecturer and his wife, were arrested and detained for alleged failure to give information to the authorities regarding the whereabouts of "Tamil Terrorists". One of them was Rev Fr Singarayer, a Catholic Priest of the northern city of Jaffna. The request by the Rt Rev Deogupillai, the Catholic Bishop of Jaffna, that the arrested priests be released into his custody with an offer that they would be produced whenever wanted for questioning by the security forces was turned down. Protesting against the treatment of the priests, in a letter to the President of Sri Lanka the Bishop stated:—

"Last week some of my priests were taken into custody like common criminals by security forces in the north in spite of my offer to produce them for interrogation if and when needed, under the cover of the Emergency declared by you, and the obnoxious Prevention of Terrorism Act, which has been condemned by International Organisations such as Amnesty International, as contrary to fundamental human rights, this deplorable action was taken. I vehemently protest against this violation of the fundamental rights of the persons concerned and the humiliation and pain of mind caused to them and the disrespect shown to the Catholic Church which is held in good esteem here.

Two of the priests taken into custody are still held by the security forces and subjected to moral pressure, intimidation and other questionable methods to extract confessions from them. They have been denied the assistance of a lawyer during interrogations.

"Therefore, I earnestly request you to set them free immediately. If necessary they could be interrogated under the ordinary laws with the presence of a lawyer to defend their good name and their interest."

None of the detainees were given access to their lawyers or relatives until after they had made "confessions". Two of the clergymen, including Fr Singarayer, were allowed to meet their lawyers by the end of December 1982 only after habeas corpus petitions had been filed in Court on their behalf. One woman, Mrs Nirmala Nithiyanthan, the wife of the University lecturer who was also detained, was allowed to meet her lawyer only after the Court of Appeal had given an order to that effect on 10 January

1983. All these detainees were held in the Jaffna Gurunagar Army Camp where they were subjected to ill treatment and torture and made to sign "confessions".

Arrests and detentions under the PTA were carried out on an intensified scale from February to April 1983 as the government stepped up counter-measures against Tamil guerrilla activity. Amnesty International expressed grave concern about the arrest and detention of persons unconnected with separatists violence. Among those arrested were voluntary workers, young men and women belonging to the Gandhiyam Society, an organisation set up to rehabilitate and resettle people displaced by anti-Tamil communal violence. Dr Rajasundaram and S.A. David, an architect, the Secretary and President of Gandhiyam, were taken into custody and detained on April 6 and April 8, 1983 respectively. They were initially detained at the Jaffna Gurunagar Army Camp and later transferred to the Panagoda Army Camp near Colombo. They were subjected to ill-treatment and torture. Only after their "confessions" were obtained were they permitted access to their legal advisers. Dr Rajasundaram was one of the 53 Tamil political prisoners killed on 25-27 July 1983 in the Welikade prison in Colombo.

Dr S A Dharmalingam, a senior Tamil politician and a medical practitioner in his seventies, and Kovai Mahesan, the editor of a Tamil weekly newspaper, were taken into custody and detained in July 1983 for allegedly sending telegrams to the President and foreign missions calling for "help to stop genocide of Tamils". Dr Dharmalingam was released on 4 November 1983 without any charge having been made against him.

Large scale arrests and detentions followed the jail-break on 23 September 1983 in Batticaloa in which several Tamil political detainees who survived the massacre in the Welikade prison on July 25 and 27 escaped. According to a report from a civil rights organisation in Sri Lanka, after the jail-break and by the end of November 1983 an estimated 170 persons had been taken into custody and detained in the Batticaloa, Amparai and Samanthurai police stations. By the end of December 1983, according to the same report (which contains the names of 97 persons), 240 Tamils from the northern, eastern and plantation areas of the country had been taken into custody and detained. There is no evidence as to how long they were held and how many of them had been released.

ARREST AND DETENTION — 1984-85

As the violence and counter-violence between the security forces and the Tamil guerrilla groups escalated, 1984 saw the phenomenon of indiscriminate mass arrests in predominantly Tamil areas on a scale never experienced before. The security forces under cover of day and night curfews cordoned-off whole villages to round up hundreds at a time. The instances of these "flushing out operations" are too many and the arrests effected too numerous to be recounted in detail. According to a civil rights monitoring group in Sri Lanka as many as 10,600 persons were taken into custody during the whole of 1984.

Every attack on the security forces by Tamil guerrillas was followed by hundreds of troops surrounding the village in which the incident took place and arresting everybody, particularly young Tamils, they could find. By August 1984 the situation reached the level when people were being arrested in their hundreds.

MASS ARRESTS

On August 4, some naval personnel were killed in a guerrilla attack near Point Pedro in the north. According to Amnesty International (Report dated January 9, 1985), following this incident the army started arresting persons walking in the streets and waiting at bus stops. That afternoon "soldiers were reported to have announced through loud-speakers that parents should bring their sons between eighteen and twenty-five years old with their national identity cards to the Valvettiturai junction for inquiry to be immediately released. However, more than four hundred young men assembled there were arrested. In all, around five hundred were first taken to the Palaly Army Camp and then transported to Boosa Army Camp near Galle in South Sri Lanka."

TESTIMONY

The following is an account by one of the boys, aged 19, who was arrested on August 4:

"I, P. . . N. . . , aged 19, student of Valvettiturai, being a Hindu, do hereby solemnly, sincerely and truly declare and affirm as follows: I have been selected for admission to the Faculty of Engineering, university of Peradeniya for the 1984-85 session.

On the afternoon of Saturday, 4 August 1984, the Sri Lankan Army soldiers announced over a mobile public address system requesting the parents of Valvettiturai to bring their sons between the ages of 18 and 25 with their national identity cards to the Valvettiturai junction for inquiry and immediate release. Accordingly I went to the Valvettiturai junction at about 5pm with my identity card. At the junction I was made to stand along with the others and a check was made one by one. After the check I was put into a military truck along with others and taken to the Palaly Army Camp. On reaching the camp, we were taken to a school adjoining the camp. At the school, we were taken to a school adjoining the camp. At the school, we were asked our names, what we were doing, etc. All of us, numbering, about 500, were kept in the small school building. On the 7th, at about 2pm, I was put into a bus and was told that I would be taken to Valvettiturai. In the bus I was told to bend my head and look down. When the boy sitting by my side raised his head, I saw a soldier hitting him on his stomach with his riflebutt and I heard his cries. I heard cries of this nature throughout my travel in the bus. The bus in which I travelled was halted for a long time at a place. At about 4 am on 8th August, I was taken into a building. At the entrance I was assaulted on my head and my neck was squeezed. I was left in a hall in the building. I heard the other boys talking that this building was the Anuradhapura jail. At about 3pm on the 8th, I was again put into a bus. My hands were tied with a big rope tightly. Because of this my hands were paining. In the bus I was frightened in various ways by the soldiers guarding us. They told us that we would be tortured and killed. The soldiers assaulted me with their helmets. One soldier took out his knife and held it against the stomach of a boy sitting in front of me and asked him some questions. Then he told the boy to raise and close the window pane of the bus with his mouth. At about 6pm the bus reached a place, which I learnt later was the Welisara Gemunu Regiment Camp. Again at about 8pm, I was put into the bus and the tied hands were still tightened. This time I was made to sit on the floor board between the seats. During the journey, I was trampled at times by the army guards. On 9th August at about 9am the bus reached the Boosa camp. All those brought were kept in 3 halls. We were served meals at 12 noon and 5pm and the quantity served was very small. For the first 3 days I had no bathing facilities. From the 3 halls, students and sick boys were separated and put in a different hall. I was taken alone to a separate room and questions were asked in a terrifying manner. I was frightened that I will be kept in jail for 20 long years. On the 15th August, along with 8 other boys I was sent to Colombo. From Colombo I was taken to Jaffna by train. At Jaffna my parents took charge of me."

The Minister of National Security conceded that innocent people might have been taken into custody:

"There could well be innocent people among those taken into custody in connection with the Point Pedro and Valvettiturai incidents. But the true culprits can only be identified after an inquiry." (Sun, Colombo, 27 August 1984).

Jaffna District and adjoining areas were declared a Prohibited Zone under Emergency Regulations promulgated on November 29 under which movement of people and vehicles were severely restricted and this facilitated further "mass arrests" during December 1984 and January 1985.

A day and night 48 hour curfew was imposed during the weekend of December 8 and 9 which was extended after only an 11-hour break, by another 24 hour day and night curfew. During this period an estimated 1200 persons, mainly males between the ages of 15 to 35 were taken into custody by the security forces. They were kept in the Jaffna Fort (an old Dutch-built Fortress) and, on December 14, were taken in busloads to the Kankesanthurai harbour in a massive convoy of armoured vehicles and trucks shipped to Colombo from where they were transported to the Boosa Army Camp.

MASS ARRESTS IN COLOMBO

Mass arrests of Tamils took place even in Colombo. The "Lanka Guardian" of December 1 reported:

"By 27th Tuesday (November) the security forces had taken into custody at least 4000 Tamils in Colombo."

In its report dated 25 January 1985, the Civil Rights Movement of Sri Lanka stated:

"State security forces are now adopting, in the Jaffna district, the method of cordoning off specific areas and then taking into custody all young Tamil males, falling usually between the ages of 15 and 30, caught within the cordoned areas. These persons are being taken into custody on the basis that they belong to a specific ethnic, age and sex group amongst whom there may be suspected offenders.

"Persons taken into custody in the northern areas are being transferred to detention camps in the South. CRM is aware that the conditions under which detainees are being transported are generally bad; at times container ships with no basic facilities have been used. Some detainees are reported to have been kept in camps with no change of clothing for as long as 15 days. CRM urges that detainees be treated humanely and kept in conditions that accord with basic standards."

A British Parliamentary delegation which visited Sri Lanka in February 1985 reported:

"It was admitted to us by both the army and Ministers that every time there is a terrorist incident in the north or the east the army rounds up all the men in the vicinity aged between 16 and 35 years. These are taken to the local police station for identification and interrogation. Some were released. The rest and the Minister of National Security, Lalith Athulathmudali, acknowledged, after being pressed several times, that these amounted to well over a thousand — and are taken some 200 miles south to the army camp at Boosa.

Again, it would seem that a large proportion of those detained are innocent. That, at any rate, was the inescapable conclusion we drew from the documented evidence that was made available to us.

We accept that the government has to arrest terrorist suspects. We acknowledge the need for them to be detained and interrogated. What is inexcusable is for them to be beaten and for those known to be innocent to be held for a day longer than is necessary. For this is the norm rather than the exception.

There should be no need, for example, for the 16 year old girl who was requested to report to the police station to give an account of why she was attending classes outside the school on 'revolutionary' subjects like the emancipation of women and the ending of the dowry system, and who was taken to the police station by her mother, father and brother, to be imprisoned for over three months — even though the Advisory Board acknowledged that she was innocent of any terrorist activity and recommended her release.

Most of the men detained at Boosa Army Camp had been arrested in the North by the army and after preliminary interrogation sent to the camp where further interrogation was the responsibility of the Colombo police. However, there was also a large group of men who had been arrested at Batticaloa by the police and sent to Boosa for detention to await interrogation by the Batticaloa police. When we paid our visit no police from Batticaloa had been to the camp in the three months since the men were arrested and there was no indication of when they would do so.

"Different conditions exist in police stations. We asked for and still await figures on the number of terrorist suspects detained, where they are detained and for how long they have been detained in police cells. We saw four. They were housed, two to a cell, immediately adjoining the lobby in

a police station on a main busy road. They shared the stone slab that served as a seat and bed, had no privacy, no books or newspaper. They said they had not left their cells at any time. Work or exercise would be luxury."

ARRESTS AND DETENTIONS UNDER EMERGENCY REGULATIONS

While arrests and detentions under the Prevention of Terrorism Act were specially reserved for the Tamils, the government used powers under Emergency Regulations to arrest and detain its political opponents in the south of the country. In the run-up to the referendum seeking a mandate for the extension of the life of parliament without a general election, 35 members of the opposition Sri Lanka Freedom Party (SLFP) were detained without charges in November 1982 under Emergency Regulations. The detained included SLFP's General Secretary and Assistant Secretary. Shortly before the referendum which was held on December 22, 1982, several leading members belonging to the Communist Party and the Janatha Vimukthi Perumuna (JVP) were taken into custody and served with detention orders.

The fact that the majority of those detained were released without charge after the referendum indicated that the powers of detention under Emergency Regulations had been used in order to prevent them campaigning against the extension of the life of parliament.

On 30th July 1983 the government banned three left wing opposition parties: the Janatha Vimukthi Perumuna (JVP), the Nava Sama Samaja Party (NSSP), and the Communist Party, reportedly for having committed or being likely to commit acts "prejudicial to public safety, to law and order and to the maintenance of essential services". According to official reports "there was evidence that the three parties that have been proscribed have been directly involved in creating a situation intended to either overthrow or at least undermine the government."

Arrests of several leading members of these parties followed and they were detained without charge or trial under Emergency Regulations while being denied access to their legal representatives. The government even failed to publicise the names and numbers of persons so detained.

After several months of detention, most of the detainees were released without any charge being made against them. Some of the detainees were released after habeas corpus applications had been filed in court on their behalf. The ban imposed on the Communist party and NSSP was lifted after several months but the ban on the JVP continues with many of its members still in detention without trial under the Emergency Regulations.

Powers of arrest and detention under the Emergency Regulations have also been used against those who exercised their right of protest against governmental action. An instance of this abuse was when university students began protesting against the government enacting legislation to privatise university education at the beginning of 1985. Some students and political activists participating in demonstrations were taken into custody under the Emergency Regulations. One such case was that of Vasudeva Nanayakkara, the leader of the NSSP, who was taken into custody while distributing leaflets. Concerning this case, the British Parliamentary delegation which visited Sri Lanka in February 1985 reported:

"On our own initiative, we visited one such detainee. Vasudeva Nanayakkara, the leader of the NSSP, whom we had met in our hotel. The next evening we were told that he had been arrested for distributing leaflets during a demonstration by university students.

When we arrived at the Harbour police station in Colombo, admittedly at midnight, we were refused permission to speak to him. The refusal was not, however, on the grounds of the lateness of the hour or the inconvenience it would cause but rather because he had been arrested for "his own safety, needed a rest, and would probably require psychiatric help". All patently absurd, as the Secretary to the Ministry of Defence, General Attygala, agreed the next day.

In fact, the order authorising his detention at Harbour police station, which we obtained unofficially, had omitted to specify the offence he was alleged to have committed. Nor when challenged by us the next day, could General Attygala offer any more information — even when we gave him the document.

If Vasudeva Nanayakkara, the leader of a political party and a presidential candidate, can be arrested and detained in a police station for 30 days in such circumstances, then so, presumably, can hundreds of others as is suggested by the JVP (Peoples Liberation Front). In fact, in the case of Vasudeva Nanayakkara, we have since learned that an application was made to the Supreme Court challenging his detention, and that before it could be heard was released on bail."

ARRESTS IN THE SOUTH: NOVEMBER, DECEMBER 1985

A series of arrests carried out in November — December 1985 and early January 1986 have resulted in the detention of about 200 political activists, mainly Sinhalese, in South Sri Lanka. Their detentions have been ordered under both the Prevention of Terrorism Act and Emergency Regulations.

The government did not publish the names and numbers of those arrested and detained but, through the state-controlled media, stated that they were taken into custody because of their alleged connection with 'separatist Tamil terrorist activity'. Some of those arrested are reported to be members of the Socialist People's movement, a political group formed some years ago and functioned openly advocating a peaceful settlement of the ethnic problem on the basis of regional autonomy. Among the others detained were middle-aged school teachers from rural districts respected in their areas with a record of service to their localities. One of those taken into custody on 1 November 1985 and detained was Indika Gunawardene, who was the secretary of the Movement for Inter-Racial Justice and Equality. He continues to remain in detention.

The Civil Rights Movement of Sri Lanka has pointed out that those detained were being held in various police stations, often under acutely uncomfortable physical conditions, and in general without the right of access to family members or lawyers. In many instances, the families of detainees have not been informed about their whereabouts.

ARREST AND DETENTION — 1986

Arrests continued on a mass scale throughout 1986. Most of the arrests were carried out by the security forces in the Northern and Eastern Provinces, and the arrested mainly belonged to the Tamil Community. However, compared to other years, larger numbers of people were taken into custody and detained either under the Prevention of Terrorism Act or Emergency Regulations.

A civil rights monitoring group in Sri Lanka estimated the total arrested during 1986 to be in the region of 14,000 persons. As the security forces do not disclose numbers, names, addresses or whereabouts of persons they take

into custody, no official figures or records are available as to the number arrested or released.

The majority of those taken into custody are normally released within a few days and the rest have been detained in army and prison camps in various parts of the country.

The arrest and detention of persons belonging to the Sinhalese community on the ground of association with Tamil guerrilla groups continued unabated during 1986.

The Campaign for the Release of Political Prisoners (CROPP), mainly composed of civil rights activists belonging to the Sinhalese community, in a statement dated 9 June 1986 said:

"Reports of arrests of hundreds of Tamil youth under the PTA and Emergency Regulations have continued to flow in from the Northern and Eastern parts of the country. As the Amnesty International Report on Extra-judicial Killings in Sri Lanka in the period from September 1985 to March 1986 (Document ASA37/03/86) describes, state terror and violence in those areas is unleashed not only against those who bear arms against the state but also, and increasingly more so, against unarmed and defenceless civilians. In this general atmosphere of repression and violation of basic human and civil rights which are abhorrent and intolerable in any democratic society, the practice of arbitrary arrest, detention, torture and 'disappearance' has, over the past two years, extended to the South of the island, thus bringing a new dimension to the struggle for democracy in Sri Lanka.

A rough estimate indicates that there are now over 3000 such detainees in prisons and camps throughout the island. Of these 230 Tamils and 40 Sinhalese are at the Welikada Prison in Colombo; approximately 2000 Tamils are in Southern Province; the rest are held in various Army Camps and Police Stations. There are among these detainees some who have been in detention for over 18 months, which is the maximum time period stipulated even under the PTA, by when a detainee must either be produced before a magistrate and arraigned or released.

Reports coming in from those close to arrested persons reveal that tactics of arrest and detention long associated with repressive regimes in Latin America and in Asia, in the Philippines under the Marcos Government, have been put into practice in Sri Lanka:

*People are followed and picked up from the street, from public transport, in unmarked vehicles by persons in civil clothes.

*Houses and boarding houses are raided at night.

*Torches are flashed into the faces of suspects to blind them and prevent identification.

*Private homes and offices are used as places of detention and interrogation; for example a JEDB estate (State controlled Plantation Board) Pan-trene, at Avissawella, is alleged to be one of such places.

*Families are never informed as to the cause of arrest; deliberate deception is also resorted to, to prevent families pursuing inquiries.

What is most reprehensible is that, these arrests take place without the knowledge of local Police officers, thus making it all the more difficult to trace a person once he or she has been taken in. The most recent case brought to our notice is that of a middle aged woman, Vijitha Piyaseeli, who was arrested by the Mirihana Police on 10th May 1986, in the course of a house-search for her husband. She is presently detained at the Remand Prison in Colombo.

While conditions of arrest and of detention should be of concern to all those interested in the preservation of human and democratic rights, what concerns CROPP even more is the evidence that powers of arbitrary arrest and detention camps and report on their conditions, was, as far as we are aware, unable to get a complete list of detainees or even accurate figures of those detained. CROPP's efforts to obtain precise information in this case have been equally unsuccessful."

Mr Lakshman Jayakody, a member of parliament, belonging to the opposition Sri Lanka Freedom Party, said in a speech made in Parliament in June 1986:

"Today we are having divided security. Now we have divided intelligence also. We know that there is an Intelligence Unit at Cambridge Place coming under the police. . . There is another Intelligence Unit at Longden Place. We do not know whose Intelligence Unit that is. . . This organisation carries on under a separate command. I do not

know whether this has been set up with concurrence of the IGP. I did not ask him. But definitely I know that there are two units because I saw a person who has come from Browns' group (a private commercial firm) heading that Intelligence Service in Longden Place, one Mr Seneviratne. He is a former ASP, true, but he was at Browns. He has started a new Intelligence Service. Now you are going to have divided Intelligence Service.

"... That Intelligence Service goes about in unmarked vehicles. That is there to hunt down political opponents. That is one of their jobs. They go about in non-government cars or sometimes have the government emblem but are definitely not police. They must be Corporation cars. They all go and prowl about in the night. Then sometimes you find that people are being removed from workplaces. They are removed from homes. We do not know their whereabouts. This type of thing has taken place. I have a letter here, Sir, where it says that a person has been taken away and no one knows where he is. No one can approach the places where they are kept."

CONDITIONS OF DETENTION

The Committee for Monitoring the Cessation of Hostilities (CMCH) appointed by the government visited the Welikada Prison in Colombo, to which very often detainees from army camps and police stations in various parts of the country are transferred, on 6 December 1985 and submitted its report dated 17 January 1986, the full text of which appeared in 'The Island' (Colombo) of 23rd January 1986.

The following are some of the matters referred to in the report of the CMCH:

*According to the evidence of the Commissioner of Prisons there were, at the time of the visit of the CMCH, 218 persons detained for alleged terrorist activities. Of these 132 were on remand after service of indictments; 11 were convicted and awaiting sentence; 58 were held on detention orders under the Prevention of Terrorism Act (PTA); and 17 were held on detention orders under Emergency Regulations. All of them belonged to the Tamil community.

*The 218 detainees are housed in wards which were meant only for 100 prisoners. There were, in addition, 8 women at Negombo prison (about 30 miles from Colombo) who were detained under the PTA. Out of the 58 detainees held under the PTA, 35 had been in detention for 18 months. Those held under the PTA for more than 18 months are served with detention orders under Emergency Regulations which authorise unlimited detention.

*Relatives of detainees under the PTA and Emergency Regulations could visit only with written authority from the Ministry of Defence.

*Detainees were not permitted to receive food from visitors. They receive the same food at the same times as the rest of the 2000 convicted prisoners at the Welikada Prison.

*A lawyer wishing to see a detainee has to make an application in advance and he would be permitted to interview the detainee in the presence of a prison official.

*Most of the recommendations made by the Advisory Board resulting from representations by detainees, their relatives and lawyers, have so far not been implemented owing to procedural delays between the Attorney General's Department and the Ministry of Defence.

*The CMCH took evidence from some of the detainees who alleged that they were tortured after they were taken into custody in army camps including the one at Boosa in the South Sri Lanka.

*In regard to medical facilities, there were 218 detainees but the Doctor visited only once a week. When the detainees were referred to the Prison Hospital, they were treated in a cell in the hospital. Special treatment, including surgery, recommended by the Doctor for particular patients was delayed for weeks.

*Water was stored unhygienically in open buckets, sometimes buckets meant to pass urine in were used to store water.

*There was overcrowding in wards, inadequate toilet facilities and shortcomings in the quality of food.

*Some students detained were taken into custody when they were preparing for examinations such as GCE Ordinary and Advanced Levels. There were no facilities to receive text books and even in instances when these were received from parents and relatives, they were kept for long periods by the authorities on the ground that they had to be censored. This applied to writing material including exercise books as well.

*Detainees were permitted to read two state-controlled newspapers — the English 'Daily News' and the Tamil language, 'Thinakaran', but the greater part of the papers were censored, and besides only one copy was supplied for over 200 detainees. Detainees were allowed to listen to radio programmes for only two hours each day, but news broadcasts were excluded.

*Even where visits by relatives were allowed the duration was for only 15 minutes even for those persons who had travelled from distant places — 200 to 250 miles away.

*As most of the detainees were from far away places in the North and East of the country, they had difficulty in making the necessary contacts to obtain legal assistance. The detainees had no confidence in the panel of lawyers made available by the state particularly because most of the panel lawyers did not know the language spoken by the detainees. Even in cases where the detainees were prepared to conduct their own defence, they encountered difficulties such as harassment, even in the premises of the court, and censorship exercised by the prison administration made preparation of their defence and legal documents difficult.

The Campaign for the Release of Political Prisoners (CROPP) in its statement dated 9 June 1986 said:

"The conditions under which these detainees are being held are abominable. Under the provisions of the PTA their places and conditions of detention are determinable entirely at the discretion of the Minister and therefore even the Standard Minimum Regulations applicable to prisoners under the UN Charter do not in this case apply.

"The places of detention vary from lock ups at Police Stations and Army Camps for terrorists. Some are also being detained at the Remand prison in Colombo. Many of them are denied even the elementary facilities provided to ordinary remand prisoners. For example, many suspects detained in police stations are being kept 24 hours inside the cell, thus depriving them of even a few minutes of fresh air. Moreover, they are being kept along with common criminal suspects and in certain cases, even with lunatics."

TESTIMONY

The following is the sworn testimony of an undergraduate taken into custody on 24 February 1985, detained under the Prevention of Terrorism Act and released on 11 August 1986:

I was arrested by the police on 24.2.1985, detained under the provisions of the PTA and released on 11.8.86 after serving a term of one week's imprisonment. I pleaded guilty to avoid a protracted trial.

The major part of my detention (viz: from 4.7.85 to 24.7.86) was spent at the Boosa Army Detention Camp. During my period of detention of over one year at the Boosa Detention Camp I was able to observe the appalling conditions that existed there at that time.

Enclosures with dimensions 70 feet by 20 feet called 'wards' house the detainees. Although the Boosa army detention camp authorities said each ward was meant to accommodate 125 with the maximum of 150, in reality every ward at all times holds 185 — 225 detainees. Every ward has a verandah 70 feet by 4 feet adjoining it for use by the detainees during the day. The wards are enclosed by walls right-round concrete masonry 4 feet up to the roof with wire-mesh. The roofs are made of galvanised tin-sheets with no ceiling.

The wards have no attached toilet facilities, and when locked from 6pm to 6am the following morning, the detainees are compelled to answer calls of nature in the ward itself. The detainees cannot go out of the ward during the night hours. They sleep huddled together and one cannot stretch himself without disturbing or rubbing against the others sleeping beside him. The air was polluted and it was difficult to maintain a hygienic environment. The over-crowding caused unpleasantness and petty squabbles amongst the detainees.

Food was supplied thrice during the day. Breakfast in the morning lunch in the noon and dinner in the evenings. 5 ozs. of bread with a table-spoon or two of gravy made with coconut milk and water and a half-a-glass of tea made up the morning breakfast. Lunch comprised of 5 ozs. of rice, 2 vegetables and a fish or meat curry. A similar menu was served for dinner in the evening. Dinner was served within an hour or two after lunch and there had been occasions when dinner followed the lunch within about half-an-hour. However, food had to be consumed and the plates washed and returned soon afterwards. Supply of drinking water was limited.

Half-cooked rice full of maggots and weevils, stale meat, rotten dried fish and stale vegetable continued to be served despite several complaints made to the authorities regarding the very low quality of food served at the camps.

Detainees who made complaints were penalised. For example, the authorities stating that the out-break of diarrhoea was due to the consumption of milk-food, disallowed detainees receiving gifts of milk food. On several occasions, worms, centipedes and other such insects were found in the food served to the detainees.

When complaints regarding the insufficient quality of food served and the imposition of cuts on the normal food ration went un-heeded by the authorities, detainees staged protest demonstrations. The leaders responsible for such demonstrations were marked out and were subjected to the most inhuman torture and other atrocities described hereinafter.

Memorandums and requests by the detainees for the supply of 2 teas a day, to increase the ration of bread to 8 ozs. and for an increase in the quality of rice served, were never considered by the government. The sight of detainees stretching their plates through the barbed-wire fence and pleading and begging for a little more food used to be a pathetic and heart-rending daily sight. The language the server and cooks blurt out on the hungry detainees was most vile and yet the detainees kept on entreating to fill their hungry stomachs. Some of the detainees bribed the minor employees with small presents for an increased ration of food. Some detainees adopted the tactic of falsely implicating other detainees so as to win the good-will and favour of army personnel to get an increased quantity of food.

Water shortage was a permanent feature in the detention camp. The storage tanks were small and placed low. Every ward had 5 pipe lines but water was available only to two. The 185 — 225 detainees in each ward had to manage with the scanty supply to satisfy their needs and requirements for drinking, bathing, ablution and washing clothes. Besides, water is available on tap for only 2 hours of the day — morning 1 hour, noon ½ an hour, and evening ½ an hour. The detainees were not provided with even a container to collect and store water for use during the hours the water tap is shut off.

Some enclosures where water shortage was very acute had been provided with tube-wells, located near the wards. These wells were very shallow. Water for supply to the detainees was drawn from these unclean and unhygienic tube-wells. It has to be noted that army personnel never use this water and their requirements were drawn from different wells.

Detainees could bathe only in the mornings and not at other times as per conditions stipulated by the army authorities. Detainees who violated the conditions were punished by the soldiers. Offenders were punished by assaults with short wooden-clubs, the offending bather was made to roll on the sand hung by the legs, standing on the knees with raised hands and the throwing of the bathers clothes into refuse dumps.

Normally it took about 3 to 10 days to repair a water pump when one went out of order. During such times, water was made available in the ward only for drinking purposes. Authorities were not at all worried and the least concerned about the other requirements and needs for water by the detainees. During times water-pumps remained out of commission, detainees went without washing their hands after eating their meals.

Three army male nurses were in-charge of the health of the detainees. They have only a few drugs, 3 varieties of pills such as Aspirin and 2 kinds of cream for rashes to dispense to the ailing Tamil detainees.

“Those seriously ill were selected by the male nurses and despatched to the Galle Hospital, for treatment. Most of the detainees with serious injuries were new arrivals from army camps where they were subjected to severe torture. It was a case of falling from the frying pan into the fire for these Tamils, for they were subjected to fresh ordeals by the soldiers in the detention camp, and the male nurses and even Sinhalese public.

“Several of the sick detainees who were kept in the medical wards returned to their normal wards feigning they have recovered as they preferred to die in the regular wards rather than face hell in the medical wards.

“A doctor and a Public Health Inspector are said to be assigned visits to the medical wards but they never called at the ward. However, they were seen visiting the camps administration office and going away. Although at the start the authorities permitted the detainees obtaining their requirements of medicine and drugs from outside through their relatives and friends, this concession was later rescinded. Although 90% of the sick are detainees affected with rash and scabies, only the first 20 to 25 in the queue received treatment from the male nurses and the rest had to wait for another day. The sick detainees were never medically examined but as a matter of course they were given some pills by the male nurses to those who were able to stretch out their hands. Two of the detainees who were seriously ill, died in the camp due to lack of medical attention. Several fight for their lives under the prevailing conditions in the camps.

“Infectious diseases are common in the Boosa camp for detainees. They suffer from measles, chicken-box, diarrhoea, fever, mumps and inflammation of the testicles.

“Detainees with measles and diarrhoea are sent to the medical ward. Patients suffering from diarrhoea were given only 3 cups of tea or boiled rice water. Thus, diarrhoea patients dreaded to enter the medical ward due to the starvation they had to endure.

Every ward had a different latrine-pit. These pits get filled by the end of the month as the water-level in Boosa is close to the surface and the detainees were forced to remove and bury the faeces in the cess-pits. Due to lack of space the same site was again used to bury the cess-pit matter, after one and half or two months. The tube-wells were sunk close to these sites and obnoxious odour emanates from the water pumped from these tube-wells. As the main water was insufficient and occasionally supply failed detainees had to use the water from these wells to drink and wash themselves.

“Wards remain locked from 6pm till 6am the following morning. Detainees had no other alternative but to use a section of the ward to answer urgent calls of nature.

“The place is cleaned in the morning, but when there is a breakdown in the water supply this portion remained without being cleaned and the detainees breathed in foul air during the day time as well besides the night hours.

“Cooked food was never covered and were always kept open for the flies to settle till served to the detainees. The wards were infested with flies and the camp authorities were un-concerned and callous. No action was taken to rid the nuisance.

“The lack of moving space in the ward for the detainees at least to walk about affects them physically as well as mentally. Detainees had no place to dry their washed clothes as the army authorities had instructed them not to put their linen either on the lines or the barbed wire fence to dry.

“Detainees were permitted to send out one letter every month and the letter was censored by the Intelligence Branch in the Camp before despatch. Similarly, any incoming letters too were censored. Detainees could use only quarter sheet of paper, writing on both sides. Censoring of letters depended on the mood, whims and fancies of the Officer-in-Charge of the Intelligence Branch of the camp. There had been several instances when detainees were punished assigning fictitious reasons for ‘offensive’ contents in letters written by them. Letters could only be addressed to the house-hold members and incoming letters should be brief. Lengthy letters were never given to the addressees but were destroyed.

“Visitors calling on the detainees could only offer them sweet meats made of wheat flour and fruit juices. Detainees were forbidden from receiving milk-foods, preparations out of rice, flour, cake, jam, medicines and drugs as gifts from visitors.

“A Tamil youth from Valaichchenai and a married man with a family from Trincomalee died due to lack of medical attention and care.

Detainees who make complaints regarding insufficiency and low quality food, water shortage, insanitary conditions and inhuman torture inflicted by soldiers were marked out and later subjected to the aforesaid forms of torture. It has been observed and found that complaints to the visiting National Security Minister Athulathmudali and Committee Monitoring Cessation of Hostilities and other fact finding missions were absolutely useless and the prevailing conditions remained the same in the detention camp.”

BREACH OF INTERNATIONAL COVENANTS

Arrests of persons in Sri Lanka both under the PTA and the Emergency Regulations, have been and are being carried out in breach of the legal safeguards stipulated by the International Covenant on Civil and Political Rights (ICCPR), the Sri Lanka Constitution and the Criminal Procedure Code.

In terms of Article 9 of the ICCPR, no one shall be subjected to arbitrary arrest and anyone arrested shall be informed at the time of arrest of the reasons for his arrest and shall be promptly informed of any charges against him. Article 92 of the United Nations Minimum Rules for the Treatment of Prisoners requires that those arrested shall be permitted to inform their relatives of their arrest and detention.

Article 9 of the ICCPR, stipulates that no one shall be subjected to arbitrary detention; that a person detained shall be promptly informed of any charges against him; that anyone detained on a criminal charge shall be promptly brought before a judge and shall be entitled to trial within a reasonable time or to release; and that anyone who is deprived his liberty by arrest or detention shall be entitled to make proceedings before a court to challenge the lawfulness of this detention.

Those detained under the PTA and Emergency Regulations have been and are being denied the above mentioned rights in that

- they have not been promptly or even after long periods, informed of any charges against them;
- they have been detained without being brought before a judge for long periods without trial;
- the lawfulness of detentions cannot be questioned before a court of law.

The United Nations Standard Minimum Rules for the Treatment of Prisoners have been violated, inter alia, in the following respects:

*Rule 25 (1) provides that the medical officer shall daily see all sick detainees and anyone to whom attention is specially directed.

The evidence collected by the government appointed committee for cessation of hostilities indicates that one doctor visits a prison with over 200 detainees only once a week. The available evidence indicates that sick detainees are not given proper medical treatment.

*Rule 33 prohibits the application or use of instruments of restraint such as handcuffs, chains, irons and straight-jackets.

There is evidence that detainees have been kept in handcuffed position on the floor for five months in one case; another detainee was kept chained for three months and in a third case the detainee was chained to a wall for 24 hours in the army camp where they were detained.

*Rule 34 requires that detainees shall be allowed under necessary supervision, to communicate with their family and friends at regular intervals, both by correspondence and by receiving visits.

However, the detention in Sri Lanka is invariably incommunicado without access to lawyers or visits by relatives and they are denied the right to communicate in writing with relatives. In fact the prescribed conditions of detention by the Ministry of Internal Security (see Appendix A) specifically states that the "suspect will not be permitted to have visitors".

*Rule 44(3) entitles a detainee to inform at once his family of his detention or his transfer to another institution.

However, detainees both under PTA and Emergency Regulations have not been permitted to inform about their whereabouts to their close relatives and there are several cases where the State authorities have kept the fact of detention of persons unknown to the relatives.

*Rule 90 entitles an untried detainee to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation.

However, these facilities are totally unavailable to detainees under the PTA in Sri Lanka. In fact Condition 3 of the prescribed conditions (see Appendix A), of detention specifically states that the suspect will not be supplied any newspapers but may be supplied with other reading matter at the discretion of the Inspector General of Police. Invariably the Inspector General of Police has declined to exercise this discretion.

*Rule 93 entitles an untried detainee to receive visits from his legal adviser and hand him confidential instructions. For these purposes he shall be entitled to be supplied with writing material. Interviews between the legal adviser and the detainee may be within sight but not within the hearing of a police or institution official.

Invariably, detainees under the PTA in Sri Lanka have been denied visits by their legal advisers. Even where such visits have been permitted, officials insist on remaining within hearing distance thus preventing confidential discussion between the detainee and his legal adviser. The practice of the requirement that the legal advisers are permitted to interview detainees only in the presence of prison officials has been confirmed by the evidence given by the Commissioner of Prison to the Committee for the Cessation of Hostilities on 6 December 1985.

TORTURE AND INHUMAN TREATMENT

Torture or cruel, inhuman or degrading treatment or punishment is prohibited by Article 7 of the International Covenant on Civil and Political Rights, and Article II of the Sri Lankan Constitution also contains that prohibition. Freedom from torture is one of those absolute rights which international human rights law obligates governments to respect under all circumstances even when an officially proclaimed emergency is in operation.

However, in Sri Lanka, the use of torture is widespread and universally practised against all detainees, particularly those held under the Prevention of Terrorism Act and Emergency Regulations. The use of torture is so widespread that it can no longer be regarded as the result of individual excesses nor simply as an over-reaction by enthusiastic officers. The fact that the use of torture in Sri Lanka is not an exception but has developed into almost a routine is a reflection of the reality that it has become a necessary part of the institutionalised repressive machinery of the State.

The practice of torture in Sri Lanka is facilitated by the abrogation of important legal safeguards under the Prevention of Terrorism Act and Emergency Regulations which create classical conditions for such practice. Prolonged police and military custody, incommunicado detention in unknown places without any form of independent supervision or control, the denial of visits by lawyers or relatives of the detainees and above all the enabling of confessions obtained under whatsoever circumstances, including those extracted under torture, to be admissible in evidence are conditions tailor-made for the practice of torture. Furthermore, despite the widespread allegations of the use of torture against detainees, the government has consistently failed to publicly call for an end to the practice by condemning it nor has it caused any independent investigation into such allegations.

AMNESTY'S 1979 MISSION

Following a visit by its Mission to Sri Lanka in September 1979, Amnesty International "concluded that human rights had been seriously violated in the period immediately following the declaration of Emergency Rule on 11 July 1979, and that there was evidence of systematic torture by the police and the army of suspects held in incommunicado detention".

The 1979 AI Mission, having received extensive testimony, identified the following methods of torture as being practised during this period:—

- *suspension by a rope attached to the neck and genitals;
- *systematic beating with fists, boots, pieces of wood sometimes with nails attached, for several hours, causing swelling of the abdomen;
- *placing the victim in a bag tied to a jeep, driven along the road;
- *insertion of pins into fingertips and application of broken chillis to sensitive parts of the body;
- *threats of execution, in some cases by putting a noose around the neck of the victim.

One former detainee gave the following account:

"The toes of my legs were tied up together and I was hung upside down by my toes by a rope slung over a wooden beam and was mercilessly assaulted by hand and foot and with S/Lon pipe tubes for a number of hours continuously while hanging in that position with my head down. My body was pricked with pins too and the same time. I was subjected to this treatment about 8 or 9 times. On several occasions I fell down while hanging in this position as a result of the braking of the rope that was used to hang me.

On about three occasions while I was hanging with my head down, an earthenware pot with smouldering embers was placed inside a gunny bag, dried chillis and salt were sprinkled on the said embers and the gunny bag with the thick irritating fumes emanating from the pot was tied around my neck so as to suffocate me with the fumes. Meanwhile I was assaulted too as hereinbefore described and my body pricked with pins so that I may cry out and thus inhale the fumes."

Four released detainees stated that an army doctor was present during their interrogation. The doctor periodically examined the detainee and advised whether further torture could be inflicted without resulting in death. In one case, the doctor is reported to have advised as to which part of the victim's body could be subjected to violence.

Following the imposition of Emergency Rule on 11 July 1979, a number of people had been arrested. In the early hours of 14 July 1979, the following six young Tamils were taken into custody by a number of men clad in Khaki trousers, fully armed with revolvers and sten guns:

1. Kanagaratnam Visvajothiratnam, alias Inpam
2. Saravanamuthu Selvaratnam
3. Iyathurai Indrarajah
4. Ramalingam Balendra
5. Sellathurai Parameswaran
6. Sellathurai Rajeswaran

The mutilated bodies of the first two (Inpam and Selvaratnam) were found under a bridge near Jaffna on the same morning of their arrest, 14 July 1979. The third (Indrarajah) was admitted with serious injuries to the Jaffna Hospital the day after his arrest where he died five days later on 21 July 1979. The other three prisoners had simply 'disappeared'. Their bodies have never been found.

The medical evidence led at the inquest held by the Jaffna Magistrate into the death of Indrarajah disclosed 28 injuries to the deceased which had been occasioned whilst he was in custody and which led to his death. The main evidence identified several injuries below the waist, a wound above the nose, burn marks on the face and partially pulled out finger nails. The magistrate concluded:

"The verdict of the Judicial Medical Officer is that death was due to cardio-respiratory failure consequent to renal tubular necrosis consequent to shock and haemorrhage resulting from multiple injuries. There is evidence of assault by the police. I return a verdict of homicide." (Inquest Case No. I.G. 5550).

The death and "disappearance" of the above-mentioned six persons were made the subject of a Parliamentary Select Committee inquiry following a complaint made by the then Leader of the Opposition, Mr A Amirthalingam, MP. Having heard extensive evidence, the Committee presented its report which was ordered to be printed on 6 July 1982. However, no official copy of the report is yet available. The Committee, in its report, inter alia, stated:

a) Evidence was placed before the Committee that Rajeswaran and Parameswaran, along with several others, were taken from Anaikottai police station to Chavakachcheri police station at 6 p.m. 14 July 1979;

b) Rajeswaran was hung upside down and beaten by several policemen including Police Inspector Karunaratne.

c) The Committee were agreed that there was a great deal of evidence which suggested that Rajeswaran and Parameswaran (two of three who "disappeared") were brought to the Chavakachcheri police station and the weight of this evidence, at the very lowest, would demand a further investigation.

d) It was undisputed that the police arrested Indrarajah. Assault was also admitted. The police evidence was that they had to use minor force because the suspect resisted arrest. If force had to be used, it should obviously have had to be at the time of the arrest. However, Indrarajah was fit enough to make a statement after a lengthy interrogation.

e) The Committee were of the view that the death of Indrarajah was not due to suicide or any form of justifiable homicide, and strongly felt that this matter should be further investigated.

In spite of the findings and recommendations of the Select Committee there is no evidence of any further investigations or of any action taken against any police officer involved. In fact the Police Inspector concerned was subsequently promoted.

AMNESTY'S 1982 MISSION

On the basis of interviews with released detainees, consultations with medical experts about torture allegations before and during the Amnesty International Mission, which visited Sri Lanka in January-February 1982, and the examination of affidavits received in 1981 and 1982, AI concluded that torture was used systematically by security forces in the north to extract "confessions" and was inflicted especially by the army in various army camps and by the police.

Almost all the 27 Tamils arrested in April and May 1981 following the Neeraveli Bank robbery in March 1981 reported that they had been tortured at the Elephant Pass Army Camp and in certain police stations in the north. In the habeas corpus petitions filed in the Court of Appeal in early 1982, several of the detainees alleged that they were hung upside down for long periods while being beaten, that chilli powder was inserted into sensitive parts of their bodies and that iron rods were forced into the anuses. They claimed that they were stripped naked, struck with hands, legs and heavy iron rods, kept chained to the wall in such a position that they could not sit or stand and deprived of food for several days.

The Colombo Judicial Medical Officer's reports dated June and July 1981 on three detainees, Appullingam Vimalarajah, Thomas Perera Amirthalingam and Nadarajah Thangavelu, confirmed that there was consistency between the injuries upon the victims and the torture alleged. The reports noted reduced hearing in one case; depression and pain and tenderness of mild degree in the lumbar region of the back of the abdomen, which is consistent with a contusional injury that he would have sustained according to the history given by him in another; and in the third, wounds on the shoulder and leg and scars on the chest, abdomen and around the ankles. These were stated to be "about 4 to 6 weeks old" and "within 6 months of age".

On 10 September 1981, the Court of Appeal ruled on four habeas corpus petitions brought under Article 141 of the constitution.

All four prisoners had submitted affidavits that they were tortured during interrogation at Elephant Pass Army Camp. They alleged severe beatings on various parts of the body, including soles and feet, with a thick wooden stick. One detainee claimed that a string was tied around his testicles and pulled. Another stated that he was handcuffed by both wrists to high railings and forced to stand erect with arms outstretched for long periods. For the first time, the Court of Appeal at least partially confirmed allegations of torture and ill-treatment and specifically rejected denials of responsibility by the detaining officers.

In two cases the Court of Appeal ruled that the detainees had been tortured. In the case of S. Arunagirinathan, the court held:

"The corpus had two non-grievous contusions on his buttocks and there is no doubt that these indicated that he had been beaten by a blunt weapon."

In the case of C. Kulasegararajasingam, the court stated:

"The doctor ended his report with the euphemism — 'There is no evidence of any unreasonable harsh force being used to amount to torture'. There is no doubt, however, that violence had been used on him at the Elephant Pass Camp and we reject the denials of his custodians that he was not assaulted".

METHODS OF TORTURE

A detailed examination of the testimony collected by Amnesty International for the period June 1981 to January 1982 disclosed the following:

*Torture and ill-treatment of detainees under the Prevention of Terrorism Act took place at the Elephant Pass Army Camp, Gurunagar Army Camp, Palaly Army Camp, Vavuniya Army Camp, Chunakam Police Station, KKS Police Station (all in the northern province), the Panagoda Army Camp near Colombo and the Fourth Floor of the Police Headquarters in Colombo.

*At the Elephant Pass Army Camp, where much of the torture was reported to have taken place, fans were removed from ceilings and detainees suspended upside down from the fan hooks. Special steel fittings were fixed to the walls to which detainees were handcuffed at various heights so that they remained in a suspended position without being able to stand on their feet, sit down or sleep. Some detainees were chained to the wall and forced to lie on the floor for months as in the case of an elderly person who was forced to be in that position for 156 days with restricted food rations.

*Detainees were tortured in the following ways:—

- by being hung upside down and beaten;
- by prolonged and repeated beatings with heavy sticks, pipes and fists specially on the soles of the feet, around the head and shoulders, on the stomach and back, so badly that in some cases bones were broken;
- by being stripped naked and beaten on the genitals
- by having needles inserted under the nails of fingers and toes or in the arms;

- by having chilli inserted into sensitive parts of the body and being forced to drink heavily salted and chilli-infused water until they vomited;
- by being burned with cigarettes and (in one case) having the pubic hair burned;
- by being forced to lie on the floor for as long as six months while chained to the wall.

TESTIMONY

The following account was given to the Amnesty International delegation by a former detainee under the Prevention of Terrorism Act who had been arrested on 16 November 1981 and who reported being tortured on the day of his arrest and during the following 10 days at two Army Camps:

“When I was being taken to Mankulam Army Camp, they put about 10 and 15 army helmets on my head. While I was carrying this heavy load, they told me to balance a 45 litre plastic barrel of water. This continued for about one hour. If I failed to keep up the can, I was assaulted. . . . At about 11pm we arrived at Gurunagar Army Camp in Jaffna. . . . A man who told me he was a corporal brought a needle and pricked me with it. Two or three men were holding me at the time. They were all in civilian clothes. They inserted needles in the muscles of my arm and under my fingernails. They also pierced the under-side of my arm. They took a thread which they put under the tendon and pulled it through backwards and forwards while asking me questions about terrorist leaders, who they were, and where they were. (The witness shows two marks at the under-side of his arm of this treatment). . . . Then they handcuffed me and tied me with my right hand and my right leg to a wooden bench. In that position I was allowed to sleep. I got food the next day. I was taken for further interrogation to an office. One army captain conducted the investigations and one other man in civilian clothes was also there. . . . during that interrogation I was not assaulted. Then I was taken outside to the verandah, where there is a concrete platform three or four feet high. I was told to lie down on that platform, face downwards. I lay down on the platform, from my feet to the waist, the top of my body hanging outside. An army man in civilian clothes kicked me with an S-lon pipe on the soles of my feet. (I know it was an army man because others were calling him Sergeant.) (The S-lon pipe is one inch thick and about four feet in length). It was heavy. . . . stuffed with hard substance. . . . When they started hitting the soles of my feet, this gave me a pain in my neck. The pain was like an electric current. Some 10 other people stood around all were in civilian dress. After that they put broken glass on the concrete floor, on which I was told to kneel down with my hands put above my head. When I was about to fall, they put me up again in the same position, beating me. This continued several times. After that, they brought chillis in powder form which they stuffed in my nostrils. . . . They stuffed it in my nostrils with a nail so that it entered my forehead. This happened while I was still kneeling on the glass. I was thirsty. It was now about 5pm. I had not been given any drink or food. They then gave me very salted water to drink. They had added pepper and chilli powder into it and forced me to drink this mixture. I started vomiting, but when I was about to vomit, they assaulted me saying I should not vomit.

“In the verandah there is a wall with several holes in it. I was ordered to put both my hands through the two holes. One person held my hands from the other side. . . . Then they tied a rope of about one inch thickness around my abdomen, and two persons pulled the rope while others kicked me on the back. In between the wall and the lower part of my abdomen, they had put a wooden block of 4 by 4 feet. They pulled very hard on the rope around my waist while simultaneously kicking the lower part of my abdomen, so that the middle part of my body was pulled backwards and the lower part immediately underneath it kicked forwards. . . . the next morning I was again taken for the inquiry. That day they inserted pins into my hands under my nails. The inquiry was conducted by the same army captain.

“A colonel. . . came that day and ordered them to stop the treatment when I was forced to drink salt and peppered water. . . . I was brought back on the bench. When I was lying on the bench at night, somebody would come along and assault me. . . . One of the following days, one man came and said he was a CID (secret police) officer and I was taken to the CID office in the army camp. . . . There I was assaulted with broken broomsticks, and beaten on my feet and my muscles were pricked with needles. This lasted from 10am until 5.30 pm. I was also hit on the head. . . . But I could not give any information. I did not get any meals that day. . . . I was given tea only. I was treated for the wounds I had received by an army doctor. . . . Until the 22nd, the same treatment, no inquiry but soles of my feet were

beaten and pricked by pins and needles, until 25th, early morning. This treatment had continued for 10 days. . . . That morning Captain. . . . told me we took you into custody on suspicion. Now we find you are innocent. So you can go. But I was unable to walk. He said ‘Please stay another four days so that you can walk. . . .’ However, during the following four days, people kept assaulting me during the night. I told the corporal there in the camp and he ordered them not to assault me. But on the 27th, army personnel beat me on my leg.

“At one time, they recorded my statement and got my signature. I am unable to say whether the statement was in English or in Sinhala, but it was not in Tamil. I was not aware that I signed.”

The Amnesty International delegation also conducted a detailed interview with a young man who had just been released from detention at the police headquarters in Colombo in late January 1982 and who gave the following account of torture committed against him:

“The next morning, they interrogated me and assaulted me. They had a twisted cane and they beat me with hands and kicked me with their feet. Fifteen men came in turn to do this in the same room on my back. They raised me by the hair. They put my male organ on the table and beat it with a cane. They did this in turn. They burnt my ankle with burning cigarettes. (This witness showed one fresh mark on the right ankle, on the inside, which appeared to be consistent with his claim.) I was handcuffed. I was also told to lie on the floor, face downwards. One man was sitting on my back, one was holding my head, and one was holding my legs. They assaulted me on the soles of my feet with an S-lon pipe. This lasted for about half an hour. . . . Later, my hands and legs were tied and I was hung from the hands from a hook. Then, the CID (secret police) assaulted me with an S-lon pipe. I was hanging in that position for about half an hour. I was hung in that position on two occasions. . . . I was told that I should not tell anybody about my treatment, otherwise I would be arrested again”.

THE CASE OF GUNAPALASINGHAM

What Amnesty International regarded as a ‘tragic case’ is that of Kanagaratnam Gunapalasingham whose subsequent suicide is directly attributed to the torture to which he was subjected while in detention. The following is an extract from AI’s Report of July 1983:

“The case concerns Kanagaratnam Gunapalasingham, a cigar manufacturer from Kokuvil, married with two children, who was detained in Panagoda Army Camp, near Colombo. Amnesty International has an affidavit from the victim, dated 2 August 1981, taken down before his death, from which details and quotes are given. During its mission Amnesty International interviewed a doctor who had examined him in hospital and others with first hand knowledge of his mental and physical condition after he was released from detention.

According to his relatives, Mr. Gunapalasingham was in financial difficulties as a result of expenses incurred for the marriage of his sister on 12 May 1981. In order to carry on his business he decided to sell his wife’s “Thalikody” (traditional golden jewellery worn by married Sri Lankan women). He went to Jaffna on 16th May 1981, sold the gold of the “Thalikody” for Rs.12,600 returned the Rs.3,500 to the pawner of the jewellery, and went home the same day with the balance. He was arrested by the army at 9.45am on 16 May 1981 at a time when a number of arrests were being made following the Neerveli Bank Robbery. According to the affidavit, Mr. Gunapalasingham was assaulted at the time of arrest and taken by some 15 men (some of them wearing army clothes, others wearing civilian clothes) to

Palaly Army Camp. He was assaulted at Palaly Army Camp, and during the assault most of the money which he was carrying fell from his clothes. He explained in detail to his interrogators why he was carrying the money, but was taken half an hour later to Colombo, and reached Panagoda Army Camp at about 12.00 noon the same day.

On 17th May 1981, army personnel entered his cell, inquired about the Neerveli bank robbery and asked how Mr. Gunapalasingham had obtained the money. He told them how he had sold his wife's "Thalikody" and that he had the receipt with some money in an envelope which he handed over, but which he says in his affidavit was immediately burnt by his interrogators. When he denied knowledge of the Bank robbery, he was kicked all over the body and hit by an S-ion pipe on the back of the head. He was taken to identify other suspects, and according to the affidavit, was subsequently tortured in the following ways:

- a) an Army/Security personnel drove needles into my nail folds of toes and fingers. On some occasions, the needles were kicked into the folds. Such needles were about 2 inches long;
- b) larger needles were driven into the heels and sometimes four or five needles were driven at the same time.
- c) the officials also hit me with S-Ion pipes on the heels;
- d) the army officials also splashed some liquid from a bottle with small holes at the top, and as a result there were burns on my body".

On 19 May, during inquiry, according to the affidavit, "one of the officers who spoke good Tamil informed others that no purpose would be served by continuing the inquiry with me" and at about 9.00pm on 19 May 1981, Mr. Gunapalasingham was pushed out of the army camp. "One Army Personnel requested the Security guard to shoot me, but the Security guard did not do so." Mr Gunapalasingham stated he went two days after his release to the Anaikoddai Police Station, but the police refused to take down his statement. (His statement was however, recorded by the police after Mr Gunapalasingham had sought the intervention of a member of parliament).

In his affidavit, Mr. Gunapalasingham complained of an "inability to pass urine and hallucinations. I have also had injuries caused by needle pricks in the nail folds and the heels. I fear that I have been inflicted with permanent injuries". On 21st May 1981, he was taken to the General Hospital, Jaffna, and received treatment until his discharge on 27th June 1981, but was the same day re-admitted to the general hospital. He was discharged on 1st July 1981 and after, consulting a psychiatrist, was immediately admitted to Tellipalai Cooperative Hospital, complaining of hallucinations. He submitted an affidavit before the Justice of the Peace on 2 August 1981 stating "I was not in a position physically and mentally to seek legal advice or to present this petition before 5.7.81".

The Amnesty International delegates spoke to the medical expert who examined this witness after his readmittance to hospital in the first week of July 1981. At that time, he was refusing food and drink, and was unable to talk, expressing only by way of gesture language. He had difficulties in passing urine. The doctor told Amnesty International he found signs of haematoma (blood clots) in both the big toe folds and on both ankles consistent with the allegation made by Mr. Gunapalasingham in his affidavit that needles had been driven into both his toes and heels.

The medical expert told Amnesty International the patient had hysterical attacks, continuously referring to the army assaults. The medical expert concluded that he was profoundly psychiatrically disturbed possible as a result of torture.

Kanagaratnam Gunapalasingham committed suicide on 2 September 1981. His family and young children are destitute."

TORTURE, A UNIVERSAL PRACTICE

Mr. T.J. Moore of the Australian Section of the International Commission of Jurists visited Sri Lanka in June 1983 and in his report (hereinafter referred to as the 'ICJ Report — August 1983') accepted that "it is almost the universal practice of the military authorities to physically assault and mistreat these persons (detainees) who have been in their custody with the principal locations for that assault being the Elephant Pass Army Camp and the Panagoda Army Camp in Colombo ... this treatment is not only in breach of Article 11 of the Sri Lankan Constitution which states that 'no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment' but is also carried out on a systematic basis. This treatment is also in breach of the International Covenant on Civil and Political Rights to which Sri Lanka is a State Party ...

The said ICJ Report further stated:

"the mildest form of ill-treatment related to sleep, food and hygiene deprivation and ranged to far more violent forms of what can only be described as torture. One detainee had had repeated beatings while being hung upside down by a rope attached to the ceiling of an 'interrogation' room. Another instance related to a detainee being dragged round the room by a wire attached to his testicles. Several instances were reported to the author of persons being hung upside down with a bag covering their head into which was introduced fine ground chilli powder ... There is no doubt in the mind of the author, that systematic mistreatment of detainees is practised by the army ... the principle thrust of the systematic mistreatment of detainees by the army appear to be at extracting "confessions" from detainees".

THE CASE OF NAVARATNARAJA

The death in detention of Kathirgamathamby Navaratnarajah, aged 28, is one of the most flagrant examples of the extent of torture practised by the security forces in Sri Lanka. Navaratnarajah was taken into custody on 27 March 1983 and held in detention under the Prevention of Terrorism Act at the Gurunagar Army Camp in Jaffna. He died while in custody on 10 April 1983 with 35 significant injuries on his body. The Additional Judicial Medical Officer, in submitting his medical report at the inquest held on 27 April 1983, gave evidence as follows.

"I held a post-mortem examination on the body of Kathirgamathamby Navaratnarajah on 10.4.83 at 2.30p.m. at the General Hospital Mortuary, Jaffna.

"The body was that of a young man dressed in a sarong with red horizontal stripes. A blue striped bed sheet was also found on the body. The clothing was stained with faecal matter. The deceased was dehydrated. He had in all 25 external injuries. There were 10 internal injuries.

"I am of the opinion that death was due to cardio-respiratory failure due to multiple musculo cutaneous injuries and contusions of the lungs.

"External injury no. 14 corresponded with internal injury no. 5. Internal injuries nos. 1, 2 and 3 corresponded with external injuries nos. 1, 12, 13, 15, 16 and 17. None of these injuries is of recent origin; they have been caused in stages 7

or 12 days before death; and this is a rough estimates within my range.

"These are injuries caused by a blunt elongated weapon; it can be a club or a baton or some round object. Of the lung injuries at least one on the left side, which had a corresponding overlying external injury, could have been caused either by a blow or could be due to an explosion of some kind.

"Injury no.21 is 20 hours old, which is not due to a blow, but could have been caused by knocking against something or falling. Injury on the hip could have been caused roughly around a week earlier. All contusions have been caused by blunt weapons. Injuries nos. 12, 14, 15, 16, 17, 7 and 8 have been caused by an elongated blunt weapon with a diameter of about 1/2 an inch. Some of these injuries probably might have been caused on the 27th or 28th March. Blows could have caused contusions on the lungs. One contusion on the lung had a corresponding external injury.

"Difficulty in breathing described by Dr Abraham could have been caused by the contusion on the lungs. He had lost roughly 2 pints of blood as a result of internal bleeding. That loss of blood also could have caused internal bleeding, especially in the arm.

"Manacles could have caused the injury on the arms. I have carried out a microscopic examination of the liver and there was no evidence to suggest that he had taken food for 72 hours, and this might have been due to his illness. He could have refused as he was sick. In my opinion adequate treatment from an Institution could have saved his life."

The Magistrate, at the end of his judicial inquiry on 31 May 1983, returned a verdict of homicide. Up to date there is no evidence of any action or proceedings having been instituted against those responsible for the detainee's death in custody following proven torture.

Following wide publicity of this case, the government enacted new Emergency Regulation 15A under the Public Security Ordinance on 3 June 1983 authorising the disposal of bodies of persons who died in custody or as a result of army or police action without judicial inquests or post-mortem examinations.

ADDITIONAL METHODS OF TORTURE

Despite government denials, torture and ill-treatment of detainees continued during the following years on a systematic basis. However the methods used had become more cruel, crude and inhuman. Even those who had no connection with any "terrorist" movement were subjected to the same treatment. The additional methods of torture included:

- * Snakes (pythons) being thrust into the mouths and ears and made to coil around the bodies of detainees;
- * Beaten with loaded s/lon pipes all over the body;
- * Detainees made to carry naked corpses of persons who had already died of torture;
- * Detainees made to drink urine when they asked for water.

TESTIMONY

The following is an account of a young Tamil detainee who was arrested in May 1984 and was later released, there being no evidence of his involvement with any guerrilla activity:

"On 4 May 1984 at about 4.30pm I left home with my friends for Jaffna Bazaar and was returning home. When we were crossing the Vambadi Road Third Cross Junction, I saw three army vehicles coming in the opposite direction. I heard a command and all vehicles were stopped and we were seized by army personnel. (My friend) was immediately assaulted. I too was assaulted and then lifted and thrown into the vehicle. There were three others already stretched face downwards on the floor... When the vehicle started moving, I was hit with the butt end of the gun on the back and shoulders by soldiers. All five of us were taken to Thuriappah Stadium Army Camp. While... alone, a few soldiers pulled me by the hair, kicked me and punched me... Seven other soldiers then came into a room and questioned me... I denied any knowledge..."

"... I was then asked to lie down on a bench face downwards. One soldier pulled my hands from behind and held them together tight. Another soldier seated himself on my outstretched legs, while another held my hair very tightly. I was then assaulted with loaded S/lon pipe, heavy boots and broom stick all over my body, including my face. My shirt was removed before this incident took place. A python was then brought and its head was thrust into my mouth and its tail into my ears. My pleadings were of no avail. The python was then put around my neck and it was trying to coil around me and I had to prevent it from doing so with great difficulty. At this time a high official of the army arrived and ordered him to stop harassing me in that manner and it was stopped..."

That night he was taken to a police station, and the next morning he was taken by the army to Elephant Pass Army Camp. He stated:

"My body was aching with pain. While travelling to Elephant Pass Army Camp in the military vehicle, on the pretence of vomiting, I moved to the rear of the vehicle and tried to jump out. I preferred to die while jumping out of the moving vehicle or be shot by the armed soldiers who were in the vehicles rather than undergoing further harassment at the hands of the armed personnel. However, while trying to jump out I was caught and severely assaulted. We reached Elephant Pass Army Camp at about 11.30am.

"On 6.5.84 at about 6pm I was taken with the three others to the Inquiry Room... I was then taken to a room where I was asked to strip myself completely naked and then made to hold on to an iron bar. Three soldiers came into the room and assaulted me with weighted S/lon pipes on my back and I would have received about 200 shots. My back was swollen. I was then asked to sit on the floor and stretch my legs on the seat of a chair. While in this position a soldier seated himself on my outstretched legs. Another held me by the hair while another pulled off my hands which were supporting me and held them tight. Then another hit me with a loaded S/lon pipe on my protruding feet. I was then asked to get up and put on my trousers but couldn't get up..."

An officer then ordered that I be taken to the (Meat Stall) and I was dragged to another room. I was asked to remove my trousers and my legs and feet were handcuffed. I was then suspended on the roof by my legs with head downwards. A soldier standing on a drum hit me on both feet with a loaded S/lon pipe, while another hit me on the back. The beating was so severe that, while trying to free myself, I broke the handcuff. Every half hour or so I was dropped suddenly and then pulled up again. I had to protect myself by shielding my head with my hands and this hurt me terribly. I was then let down but could not get up to walk. Two soldiers then carried me to a bathroom and poured water on me and I fainted... I was then taken to an office and was examined by a doctor who gave me some medicine and coffee. Next morning (7.5.84) I could not get up... My mother who had brought some clothes was not allowed to see me. The whole of that day I could not eat and was vomiting frequently. A few officers came and examined me and on seeing my condition ordered that I be sent to the Army Hospital in Colombo.

"On arrival in Colombo I was taken to the Army Hospital where I was examined... I was then taken by soldier to a room where I was asked to pull open a drawer. On opening the drawer with difficulty I found a naked corpse in it. I was then ordered to lift the dead body. When I declined I was assaulted. With difficulty I lifted the body and I was made to carry the dead body towards the door and bring it back and put it in the drawer. I did this with the greatest difficulty as the corpse was very heavy..."

TESTIMONY

Another former detainee alleged that he was arrested for being in possession of 'subversive literature', a poster which he was given while waiting to board a bus and which he said he had put into his shirt pocket without having been able to read it. It was found during an army check at Madawachchiya on an unknown date in August 1984. He was arrested, allegedly subjected to torture. He also stated he had seen

other Tamil men having been subjected to torture in the Panagoda Army Camp:

"When I was asked to empty my pockets and this notice came out the soldier plucked it from me and had it examined by someone else who said it was subversive literature... I came to understand that the leaflet was issued by a militant group... Immediately after the arrest I was promptly taken to the Anuradhapura Army Camp where I was questioned by certain officials about my connections with the Tamil extremist groups and I denied any connections with those groups and explained how I came to be in possession of the hand bill. At Anuradhapura I was not assaulted in any manner.

Immediately after interrogation I was despatched to Panagoda Army Camp where on arrival I was put into a dark room, stripped of all my clothes and made to lie on the floor. My hands and feet were chained and large spikes were inserted into my body. I underwent a lot of suffering. I was thirsty after this ordeal and I asked for water and I was given urine to drink and vomited blood due to the severe assaulting and torture. I was detained for four days at the Panagoda Army Camp... I was assaulted with machine guns, iron rods on the knee joints, neck regions, close to the eyes, on the feet and almost all parts of the body. I was asked to lie naked on the ground and trampled and kicked with booted legs. I was bound with chains on the legs and let down a deep well and then pulled up. This was done to me at about 12 midnight. I was forced to sign a document that I had connections with the extremist groups but I refused even under the use of force as I did not have any such connection...

"One day I was shown 18 Tamil boys with grievous injuries and told I too would suffer the same fate if I did not speak the truth... After 4 days of torture in the above manner I was transferred to Welikada prison where I was admitted to the Welikada Prison Hospital for treatment. I was detained at Welikada Prison for one month but was not ill-treated or assaulted at any time... I was then released..."

"I had to undergo operations in the abdomen as I was suffering from pain after being pricked with spikes in this region when I was at Panagoda and was vomiting blood frequently..."

"I have lost my sense of hearing. I cannot see properly. My speech has been affected, my voice is very hoarse and inaudible. I cannot walk properly as I suffer severe pains in the knee joints. I have also lost my job and doubt whether I will be able to perform any responsible work again. Prior to my arrest, detention and torture, I was a healthy, robust and hard-working person. I have lost correct count of the days and my memory fails me..."

TORTURE BY SPECIAL TASK FORCE

Persons belonging to the Tamil community taken into custody from areas in the Eastern Batticaloa District are normally detained in Special Task Force (STF) camps at Kallady and Kaluwanchikudi in the Eastern Province or transferred to the Boosa army camp in South Sri Lanka. There have been several allegations that many detainees have been tortured and in fact died under torture while being 'interrogated' by the STF or the Special Investigation Unit (SIU) of the CID. One Tamil detainee, who testified that he had witnessed three such deaths in the STF camp at Kallady, described how he himself had been subjected to torture in March 1985 (Sri Lanka: Disappearance by Amnesty International (ASA 37/08/86) September 1986):

"... I was then taken and put into a cell with eight other prisoners. After about half-an-hour we were taken to a small room, macabre and frightening, where ropes hung from the beams, and where there were instruments of torture all over. There was blood all over the floor, and a prisoner was lying unconscious. There was a basin with strong chillie fumes burning..."

"... The individuals in the room appeared to be members of the Special Task Force. There was a Tamil man in civilian clothing who acted as interpreter. I was blindfolded hung upside down (suspended partly) by my thumbs and beaten with an S/lon pipe. The interrogators continued asking me whether I knew the whereabouts of the training camps of the militants and I repeatedly denied any knowledge of such training centres. A long while afterwards I was lowered and allowed to rest for about half an hour. Thereafter I was hung upside down... again and beaten. This time I became unconscious..."

"On the night of the second day... I was again hung upside down and beaten with an S/lon pipe. But this time a mixture of chillie powder and salt was rubbed into my wounds. Chillie powder was also blown into my eyes and a burning pot of chillie powder was held below my face which I was forced to inhale. As a result of this treatment which lasted for three nights consecutively, my eye-sight (was) affected and now I cannot look at anything bright and my eyes keep on tearing all the time.

"The beating and the holding of burning chillie powder to my eyes was repeated for two more nights, and on the fifth day I was in unbearable pain. and I kept crying out I did not know the whereabouts of the militants training camps..."

"... The cell in which we were kept was about 5ft by 5ft, and had seven people in it. Most of the inmates were in a state of semi-consciousness, because of the torture and were therefore unable even to go to the bathroom. The cell had urine and blood marks and carried an unbearable stench. During the five days I was kept in the cell I witnessed three deaths. When the inmates died, those who were conscious were asked to carry the corpse out and dig the grave to bury them. If there were more than two dead bodies, a rubber tyre was placed on top of them and burnt. The belongings were also burnt with the bodies..."

THE CASE OF KESIVAPILLAI

On 14th April 1985, "The Observer" (London) carried the account of the torture and cruelty to which the 23 year old Mahendra Kesivapillai was subjected by the police commandos of the newly-created Special Task Force trained by former members of the British SAS. According to the reporter who interviewed the victim and doctors at the Batticaloa Hospital where he was a patient since March 1985, Kesivapillai was arrested by four police commandos at a government office in Batticaloa while he was filling a form:

"They handcuffed and blindfolded me and pushed me out of the door. I know I screamed at once because they smashed a rifle butt into my left foot. I could hear my bones breaking. first I was taken to a camp at Kalavanchi, then another camp of theirs called Kalladi. Every day between 8 and 4.30 they would hang me by my hands. One day they slit my left wrist with a razor blade, packed it with chilli powder and bandaged it. Another time they hammered nails into my heels. They would say 'Tell us where are the terrorists'. They even threatened to burn me with a metal rod." Kesivapillai, a second year science undergraduate, was tortured for two months before being released without explanation and dumped at the local hospital. The victim thinks that he was released because he managed to smuggle out a letter to his father, a retired teacher, telling him where he was.

Doctors at the Batticaloa Hospital confirmed that the victim had been subjected to unbelievable cruelty. There were burn marks on his buttocks and arms. Two bones in his arm, the radius and ulna, have been so badly damaged after being ripped apart, he would never recover the use of his arms, the doctors said."

TORTURED BY MISTAKE

The following is the sworn testimony of a 17 year old boy taken into custody in May 1985 and tortured under the mistaken belief that he was a 'trained terrorist' about whom the security forces were making inquiries:

"I... aged 17 year, residing at... Road, Jaffna, being a Hindu, do hereby solemnly sincerely and truly declare and affirm as follows. I am a student at... college. I reside with my parents at the above mentioned address. On... May 1985 at about 3.30pm I left home with the permission of my father to go to the home of one of my classmates, when I was cycling along... Road, I came across a batch of soldiers walking in formation in two rows on either side of the road. I feared to turn into a side road thinking that they might harm me on suspicion that I was fleeing. I kept going straight and passed a few military vehicles which were moving slowly at the same pace as the soldiers. As I passed the last vehicle some of the soldiers who were walking alongside the vehicle pushed my cycle down. As I fell a soldier picked me up and threw me into the last of the military trucks in the convoy. As soon as I was put into the military vehicle I heard one of the men in charge of the vehicle say over the walkie-talkie 'terrorist caught'.

“About four soldiers put me down and turned me over trying to search my person for any concealed arms. These soldiers also asked me for my Identity Card. I said that I did not have one but that I had applied for same. About one and a half hours after I had been taken into custody the vehicle stopped. I was blindfolded and taken off the truck. Soon after the blind was taken off I found myself in a room.

“I was shown a photograph of a boy in full military style uniform and carrying a gun. This boy though resembling me had a large crop of hair. The soldier who showed me this photograph assumed that it was my photograph and he asked me where I received my training. I said that it was not myself and I had not received any training. This soldier went away leaving me alone. During the next one and a half hours I was left alone but two soldiers came and assaulted me on my stomach and face calling me ‘Tiger’.

“Thereafter I was taken by helicopter to ... army camp and from there to ... army camp. It was dark and I think it would have been about 8.30pm. At the ... army camp I was interrogated. They asked me where I was trained. I said that I was a student at ... and was residing with my parents at ... I was questioned in Tamil by a Muslim army officer as I could judge from the manner he spoke in Tamil. While questioning he now and then placed on my leg a device which made me feel that I was subjected to an electric shock. This he did five times. Every time he did this my whole body shook violently and I was in a state of shock. The device appeared to be about two and a half feet long and pipe black in colour. At one end there was a coiled spring. It was this part that was applied on my body. At the other end there was a switch which was pressed every time it was applied on me. I was interrogated for about 15 minutes.

“About an hour later I was taken by helicopter which landed at ... army camp. I knew it was (the army camp) from the surroundings and from a school that was visible at which my (relative) was a (teacher). Here I was locked up in a room. When the soldier who took me into custody first came there I told him that my ... was teaching in the school and to verify from ... about my identity. The soldier told me that I was already proved to be a terrorist and there was no need to identify me any further by showing me to my ... Two days later I was again taken my helicopter to some other place and locked up in a room. I did not know this place.

“I was held there for about six weeks. I was interrogated thrice in different nights. During these interrogations I was subjected to the shock treatment with the similar device described above. This was applied always by the interrogator. I was also assaulted by men whom the interrogator called specially for the purpose. These men called to assault me took me into a neighbouring room, every time I was assaulted with hands or my throat squeezed. I used to shout in pain and then the person interrogating who sat in the next room would call for my release to continue the interrogation.

“One night at about 3am I was taken in a jeep for a ride which took about five minutes. I was made to get down and shown a long room. I saw able-bodied young men naked with bleeding injuries on their bodies and swollen tell-tale marks of beatings. I also saw men standing by with plastic pipe pieces of about three feet in length. I was asked to identify these men. I said I did not know anyone. I also saw one of the men who was standing by with a plastic pipe rush at one of the men who were being beaten and attack one of the men

with his legs. The person who received the kick was already from signs visible to me in a weak position and he fell dead at the kick. This man who fell dead was covered with a mat.

“Then all the other victims started shouting (the name of an armed Tamil group). I understood that through fear the others were loudly owning the militant organization to which they belonged. I was made to watch the assault for about 15 minutes. I learned that this place where I was held and where I was shown the torture victims was at ... camp and confirmed by a sentry who was guarding me. On another night I was taken by jeep a short distance away and shown a dead body lying in a tractor trailer. I was asked to identify it. I denied I knew him. On another day I was taken and put into a room where a nylon rope hung free from the roof.

“The soldier who took me in asked me to hold on to the rope tightly. He hurriedly left the room and locked the room. I found the rope going up slowly and as I was asked to hold on tightly I found myself lifted up. I was holding on to the rope. Almost at the same pace as the rope went up I found two spiked boards emerged from the two sides of the wall just above the floor. By the time the rope had lifted about 10 feet from the ground the spiked two piece boards which moved from the sides at the bottom had covered the entire floor. My hands were aching and I feared if I gave way I would fall 10 feet on to the spiked floor board. Since the end of the rope had a knot I was able with some effort by changing my hand position to cling on. Now and then as I changed the position of my hand the palms of my hand would burn. Yet I managed to cling on for about half an hour. During this time I would shout to be let down and the soldier would ask me to speak the truth. I was let down about after a half hour ordeal like this. As the rope lowered I found that the spike board in two halves also moved out of the way. I underwent the same ordeal about 10 minutes later but the duration of the time I hung up was less as I started shouting that I could not bear to hold on. In this manner I was made to hang four times but every successive ordeal was of lesser duration. Another day I was given the earlier described shock treatment for about five minutes. The same kind of electric device as earlier described by me was held when the coil spring end kept under my arm-pit of my left hand. The soldier who kept this device kept on pressing my left hand with his gloved hand so that the device might be firmly held on to my arm-pit and so that he might not feel the shock. During this time I cried out saying I am going to die and that I am speaking the truth. My tormentor said ‘you can die’ and continued to hold on to the device.

“Another day I was taken into a room where I saw my photograph which was taken some days earlier and the photograph of the person whom they suspected me to be and whose photograph was shown to me as referred to ... above being examined by some officers.

“These photographs were enlarged and in that of the other person there was an elongated scar mark from the ... downwards. I was then taken into an adjoining air-conditioned room which had an X-ray machine. I have been to hospital before and have been X-rayed and seen the X-ray machine. That was how I realized that I was going to be X-rayed. I was made to stand close and erect to this machine and the X-ray taken. I realized that the purpose was to find whether I had a similar wound internally which an X-ray would reveal. Three days later I was transported by helicopter to the ... camp and held for one week. At this camp I was

advised not to reveal whatever happened to me at the army camps and I was released to my father on ... of ... 1985. When I was released my bicycle from which I was pushed down when I was taken into army custody was returned to me at the ... army camp”.

THE ORDEAL OF AN UNDERGRADUATE

The following is the sworn testimony of a final year University Student taken into custody in February 1985. He was released in August 1986.

“A...B... born on... 1961, presently residing at... being a Christian do make oath and swear as follows:

“I am a permanent resident of Muthur in the Trincomalee District, Sri Lanka. I was selected for admission to the University of Jaffna in March 1981. I was doing my Bachelor of Commerce Degree and sat for the Final Examination in October 1984. After sitting for the examination I went home awaiting the examination results.

“On 24.02.1985 six policemen from the Muthur Police Station came to my house and asked for my name and that of one of my younger brothers who happened to be at home with me. I and my younger brother Selvaratnam furnished our names. The Policemen then mentioned that they had to make inquiries from us and asked both of us to go along with them to the road. Our house was 200 yards away from the road. We were asked to take our Identity Cards and get into the jeep in which the Policemen had come. The time was 5.30pm.

“As soon as the jeep reached the road, the vehicle was stopped and at the intervention of my mother, my younger brother was let off. The policemen told my mother that I was required at the Police Station for an inquiry. I was taken to the Muthur Police Station and questioned by the Police Sergeant who was one of the six policemen who brought me there.

“I was asked what connection I had with Militant Movements. I said that I was a University student who had completed the Final Examination in October 1984 and that I was awaiting my results and that I did not have any connection with militants.

“The Sergeant said that I would be handed over to the Army the next day. I was locked up over-night without any food being served till the following morning.

“The next morning at 7am the police handed me over to an Army boat that called over at the Muthur Jetty. I was handcuffed at that time.

“From there I was taken by sea to Trincomalee and into the Fort Frederick Army Camp. On arrival at the Army Camp at about 9pm. I was interrogated by two Officers. I was still handcuffed. I was told that my name had been obtained from an important source and I was asked what connection I had with militants.

“I was beaten on my back with an aluminium pipe length and later on with a plastic pipe length loaded with earth. I received injuries on my back. Pins were driven by a soldier between my finger nails and the underlying flesh till the pins reached a point of the lower-end of each nail as visible on the outside. Four fingers on my left hand, that is excluding the little finger had pins driven in the aforesaid manner. Two fingers, the forefinger and middle finger on my right hand

had pins driven similarly. The thumb on my right-hand was bleeding from an injury received by being beaten with the plastic pipe.

“I was squatting on the ground at the time. I was asked to pass my bended knees between my two hands which were manacled near the wrists. The plastic pipe length was then passed below my knees and above my hands so that the pipe appeared to be passed through my hands and legs which served as a loop. The two ends of the plastic loaded pipe rested between two tables so that my body hung looped on the suspended pipe. I was hung up like this for about 30 minutes. As I was hanging in this posture I was kicked on my face several times. On another day also I was beaten while being interrogated.

“On a third occasion I was interrogated by night at about 10pm till 11.30pm. I was hung up-side down for about half-an-hour after being questioned for sometime and I admitted helping another student to write an article on liberation struggle in foreign countries.

“While I remained hung up-side down I was beaten on the soles of my feet, legs, buttocks and back. I was then bare-bodied except for my under-wear. My body was also pushed so that it swung and struck against the walls several times. The four soldiers engaged in torturing me were drunk at the time.

“After I was taken off from the suspended position I was struck on my face with the result that my nose started bleeding. One of the soldiers with both his hands banged on my ears several times. Every time he struck me like that I felt my eyes darken and my ear-drums paining. A Senior Officer was then called and shown the state of my injuries and told that I had not revealed anything more. I was taken to the side of the Fort where the sea-shore is accessible. I was told that I would be shot and pushed into the sea if I did not confess further. I pleaded that I had revealed all what I had to say and to spare me. I was then immersed in the sea and threatened further with death. After this ordeal I was let off and put into a cell.

“Two days later, that is 4th March 1985 I was taken by an Army truck to Colombo Army Headquarters and locked up there. The next morning I was taken by four National Intelligence Bureau Officers to their Office at Narahenpita Military Police Headquarters, Colombo. They showed me an album from which I identified 4 of my class-mates. When they interrogated me I revealed only what information I had already stated, that is about helping writing a magazine article.

“I was undressed and hung upside down and was beaten with a loaded plastic pipe for about half-an-hour. While I was in the same position a gunny-bag open at both ends was brought. One end was held onto burning charcoal over which dried chillies were put. The fumes were made to enter my nostrils at which I shouted in pain. When they found I was holding my breath in an effort to avoid the fumes as much as possible the men struck on my stomach to make me stop holding my breath. The chillie fumes were passed on to my nostrils and eyes for about 20 minutes while they kept on interrogating me and I kept denying I knew anything more than I had revealed already. After about one-and-a-half hours of questioning in the said manner I was taken off my suspended position and taken back to the Army Headquarters. I was also taken to the C.I.D. Office at the 4th Floor of

TORTURE AND INHUMAN TREATMENT

Torture or cruel, inhuman or degrading treatment or punishment is prohibited by Article 7 of the International Covenant on Civil and Political Rights, and Article II of the Sri Lankan Constitution also contains that prohibition. Freedom from torture is one of those absolute rights which international human rights law obligates governments to respect under all circumstances even when an officially proclaimed emergency is in operation.

However, in Sri Lanka, the use of torture is widespread and universally practised against all detainees, particularly those held under the Prevention of Terrorism Act and Emergency Regulations. The use of torture is so widespread that it can no longer be regarded as the result of individual excesses nor simply as an over-reaction by enthusiastic officers. The fact that the use of torture in Sri Lanka is not an exception but has developed into almost a routine is a reflection of the reality that it has become a necessary part of the institutionalised repressive machinery of the State.

The practice of torture in Sri Lanka is facilitated by the abrogation of important legal safeguards under the Prevention of Terrorism Act and Emergency Regulations which create classical conditions for such practice. Prolonged police and military custody, incommunicado detention in unknown places without any form of independent supervision or control, the denial of visits by lawyers or relatives of the detainees and above all the enabling of confessions obtained under whatsoever circumstances, including those extracted under torture, to be admissible in evidence are conditions tailor-made for the practice of torture. Furthermore, despite the widespread allegations of the use of torture against detainees, the government has consistently failed to publicly call for an end to the practice by condemning it nor has it caused any independent investigation into such allegations.

AMNESTY'S 1979 MISSION

Following a visit by its Mission to Sri Lanka in September 1979, Amnesty International "concluded that human rights had been seriously violated in the period immediately following the declaration of Emergency Rule on 11 July 1979, and that there was evidence of systematic torture by the police and the army of suspects held in incommunicado detention".

The 1979 AI Mission, having received extensive testimony, identified the following methods of torture as being practised during this period:—

- *suspension by a rope attached to the neck and genitals;
- *systematic beating with fists, boots, pieces of wood sometimes with nails attached, for several hours, causing swelling of the abdomen;
- *placing the victim in a bag tied to a jeep, driven along the road;
- *insertion of pins into fingertips and application of broken chillis to sensitive parts of the body;
- *threats of execution, in some cases by putting a noose around the neck of the victim.

One former detainee gave the following account:

"The toes of my legs were tied up together and I was hung upside down by my toes by a rope slung over a wooden beam and was mercilessly assaulted by hand and foot and with S/Lon pipe tubes for a number of hours continuously while hanging in that position with my head down. My body was pricked with pins too and the same time. I was subjected to this treatment about 8 or 9 times. On several occasions I fell down while hanging in this position as a result of the braking of the rope that was used to hang me.

On about three occasions while I was hanging with my head down, an earthenware pot with smouldering embers was placed inside a gunny bag, dried chillis and salt were sprinkled on the said embers and the gunny bag with the thick irritating fumes emanating from the pot was tied around my neck so as to suffocate me with the fumes. Meanwhile I was assaulted too as hereinbefore described and my body pricked with pins so that I may cry out and thus inhale the fumes."

Four released detainees stated that an army doctor was present during their interrogation. The doctor periodically examined the detainee and advised whether further torture could be inflicted without resulting in death. In one case, the doctor is reported to have advised as to which part of the victim's body could be subjected to violence.

Following the imposition of Emergency Rule on 11 July 1979, a number of people had been arrested. In the early hours of 14 July 1979, the following six young Tamils were taken into custody by a number of men clad in Khaki trousers, fully armed with revolvers and sten guns:

1. Kanagaratnam Visvajothiratnam, alias Inpam
2. Saravanamuthu Selvaratnam
3. Iyathurai Indrarajah
4. Ramalingam Balendra
5. Sellathurai Parameswaran
6. Sellathurai Rajeswaran

The mutilated bodies of the first two (Inpam and Selvaratnam) were found under a bridge near Jaffna on the same morning of their arrest, 14 July 1979. The third (Indrarajah) was admitted with serious injuries to the Jaffna Hospital the day after his arrest where he died five days later on 21 July 1979. The other three prisoners had simply 'disappeared'. Their bodies have never been found.

The medical evidence led at the inquest held by the Jaffna Magistrate into the death of Indrarajah disclosed 28 injuries to the deceased which had been occasioned whilst he was in custody and which led to his death. The main evidence identified several injuries below the waist, a wound above the nose, burn marks on the face and partially pulled out finger nails. The magistrate concluded:

"The verdict of the Judicial Medical Officer is that death was due to cardio-respiratory failure consequent to renal tubular necrosis consequent to shock and haemorrhage resulting from multiple injuries. There is evidence of assault by the police. I return a verdict of homicide." (Inquest Case No. I.G. 5550).

The death and "disappearance" of the above-mentioned six persons were made the subject of a Parliamentary Select Committee inquiry following a complaint made by the then Leader of the Opposition, Mr A Amirthalingam, MP. Having heard extensive evidence, the Committee presented its report which was ordered to be printed on 6 July 1982. However, no official copy of the report is yet available. The Committee, in its report, inter alia, stated:

However, when his family attempted to meet Thambimuthu Kamalarajah at the Gurunagar Camp, or to ascertain his whereabouts, they were given conflicting reports. On one occasion they said they were told he had been "released"; on another occasion that he "had been sent to Colombo". In January 1985 the family wrote to the Minister of National Security to clarify his whereabouts but did not receive a reply. On 15th April 1985, the Government Agent, Jaffna inquired about Thambimuthu Kamalarajah and another detainee in a letter to the camp Commandant of Security Forces Headquarters, Gurunagar: "However, the list received from you recently does not contain their names. In the circumstances, am I to presume that they are still under your custody." To date, his whereabouts or fate remain unknown.

Amnesty International has received two reports from former detainees who were themselves tortured and both of whom stated in affidavits that they saw Thambimuthu Kamalarajah in Gurunagar Army Camp, Jaffna, with serious injuries during the days after his arrest. Both men stated that they believed Thambimuthu Kamalarajah — who was identified as "Kamalarajah from Kankesanthurai" had died in the army camp as a result of torture, possibly between 8 and 10 December 1984. One of them stated that he was present when Thambimuthu Kamalarajah's condition deteriorated and that he was close by at the time of his death. According to these reports, Thambimuthu Kamalarajah's body may have been buried at Mandativu.

One of these men had also been arrested from Kankesanthurai on 30th November 1984 and stated in a sworn statement that, at about 9.30pm on 2 December 1984, he was taken to be interrogated in Gurunagar Army Camp, Jaffna:

"... When I was taken to the room I heard Kamalarajah shouting in Tamil calling for his mother from an adjoining room. I was asked whether I conducted classes for EPRLF members; whether Kamalarajah was an EPRLF leader. I answered those questions in the negative.

"The next day about 11 am I and Kamalarajah were taken together for interrogation. I observed that his forehead and hands at several points were swollen and (that there was) an abrasion on his chest. Kamalarajah was a short but sturdy and fair person.

"On 7.12.84 at about 9.30pm I heard Kamalarajah crying out in pain and sound of (beating). The voice came from a neighbouring cell. This sound of beating and Kamalarajah's crying out went on for about one-and-half hours beginning from 11 pm. On the days following too I heard the cries both of (another detainee) and Kamalarajah, coming from a neighbouring cell.

"After my morning meal on the 8th of December 1984, I could not eat. Even the morning meal I vomited. This was due to my being beaten up at regular intervals. I was suffering from stomach ulcers and the food and continuous beatings began to have an adverse effect on my health. From the morning of 10th December 1984 till about 5.30 I heard the frequent moanings of Kamalarajah. I realised that Kamalarajah was in severe pain.

"That evening I noticed more army personnel were ... close to my cell engaged in carrying bandage, scissors, medicine bottles and talking in Sinhalese among themselves during which conversation I heard the name of Kamalarajah being mentioned. After 5.30 I did not hear the moanings of Kamalarajah.

"Around 7.00 or 7.30 I saw that senior Military officers came there and peeped into my cell also. As an unusual step the door leading to my cell was covered with a gunnysacking at about 9.30. In my cell there were another 12 boys. We talked among ourselves that something untoward must have happened to Kamalarajah.

"On ... I was released. At the same time one [X] from ... was released. He told me that from the conversation of army personnel he had understood that Kamalarajah had died of tetanus consequent on wounds by continuous beatings.

"A corporal ... mentioned to me proudly that the Prime Minister of the EPRLF whom they had brought from Kankesanthurai had been dispensed of. I realised that he was referring to Kamalarajah."

Another detainee described how he saw Thambimuthu Kamalarajah lying on the floor of a cell in the Gurunagar Army Camp on 6 December 1984, with several injuries, and was threatened with the same fate should he not tell the truth. He stated:

"... On the 6th December 1984 I too was transferred to the Gurunagar Army Camp where the personnel showed me Thambimuthu Kamalarajah who was lying on the floor of Cell No 4 without any clothes on his body. He had several injuries and swellings on his body. Some medicines were applied on him. I was able to observe some festering wounds on certain parts of his body.

"The soldier who showed me Kamalarajah told me that the same fate awaited me if I did not tell the truth ..."

The same detainee stated that he was close by when Thambimuthu Kamalarajah's condition deteriorated and apparently resulted in his death.

"... In the night (of 6 December 1984) I could hear Kamalarajah crying in pain. He was unable to move about. Therefore, the army men ordered some of us to carry him to the toilet whenever he wanted to (urinate). When ever Kamalarajah asked for water he was assaulted by (a corporal and an officer of the Military Police).

"On the 8th December 1984, at about 4pm I heard Kamalarajah crying in agony. At that time the corporal ... ordered another detainee (Y) to see what was wrong with Kamalarajah. (Y) looked at Kamalarajah and told the corporal that Kamalarajah was dead.

"Immediately an officer who was known as Mr. (Z) was informed and he arrived at the cell. Mr (Z) ordered the corporal to send me to the adjoining cell. After about two hours I was sent back to the cell. At that time the body of Kamalarajah was not there. I saw a group of soldiers whom I presume were in charge of the disposal of the body of Kamalarajah conversing near my cell. One of the inmates of my cell who understands Sinhalese told me that the soldiers were saying to another army (official) that they went to bury the body at Mandativu ..."

The following day, according to this detainee, an army official stated that Thambimuthu Kamalarajah had been released:

"The names of the inmates of our cell were displayed in front of the cell with the date of arrest. On the next day after the said incident, Corporal wrote "Released" against the name of Kamalarajah".

Several more recent reports of disappearances from the Eastern Province have contained similar fears that people held by the STF have died as a result of torture during interrogation at the STF camps in the area. (The above account is a reproduction from "Sri Lanka: Disappearances" by Amnesty International, September 1986)

RAPING AS A FORM OF TORTURE

Women belonging to the Tamil community have become frequent victims of torture and other forms of degrading treatment including rape:

The details of how, on Christmas Day, 25th December 1985, five armed home guards forcibly removed two women, Felicia (18) and Mary Agnes Yogeswary (21), and a young Tamil Jesuthasan (21) from their house and later shot them were revealed at an inquest held into the death of one of the women, Mary Agnes.

The District Medical Officer who held the post-mortem on the deceased concluded that death was caused by gunshot injuries and that she had been raped before death.

One M.H. Mohamradu Basheer, who was forced by the home guards, who had guns identical to those used by the army, to accompany them to the victims' house in giving evidence said that the home guards took into custody the two women and Jesuthasan. They were taken to the Periyapalam Muslim School where Jesuthasan and Basheer were ordered to wait outside and the two women were taken inside the school by the five home guards.

After about 45 minutes one of the home guards ordered Jesuthasan and Basheer to go inside the school where they saw two terrified women seated in two corners in the school building. Thereafter the home guards took Jesuthasan and the two women towards Iddiman Aru (river) from where Basheer heard several gun shots.

Mary Aphonso Francis (34) described how the home guards came into their house and ordered her to undress, whereupon she cried and ran out of the house. The men went inside the house where her sister Felicia, brother Jesuthasan and step-sister Yogeswary were sleeping and took them away stating that they were being taken to the army camp for questioning.

Subsequently, Felicia was found near Iddiaman River with serious gun shot injuries and the dead body of Yogeswary was discovered near Kaddaiparichan river. The body of Jesuthasan has not been found.

THE RAPE OF FOUR WOMEN

The wives of the ten men who were killed, four women who were raped and other eye-witnesses, gave evidence before the government appointed Ceasefire Monitoring Committee on 14th December 1985 and gave detailed accounts of how a group of army personnel descended on their homes at 1am on 5 December while they were asleep and took away the ten men. The four raped women also related how they were repeatedly sexually assaulted by several soldiers.

Mrs. Upasen Premawathie, a Sinhalese woman married to a Tamil named Murugamoorthy, stated in her evidence that on 5th December while she was asleep on the verandah of their house, soldiers entered; three of them entered the room in which her brother and sister-in-law were sleeping; one soldier pushed her down on the floor and forcibly raped her. Thereafter a second soldier dragged her into a room and raped her. After he left, a third soldier came in, and she begged and worshipped him not to harm her, but he too forcibly raped her. Her sister-in-law too was similarly raped by soldiers.

In signed statements dated 9 December 1985, addressed to the President of the Trincomalee Citizens Committee, the four women described their ordeal at the hands of the soldiers as follows:

Statement of T. Arokiam:

"I, Thangathurai Arokiam, age 32, of Munnampodivettai, state that at about 1am on 5.12.85, 15 army personnel came to my house and removed my husband and three soldiers forcibly had intercourse with me"

Statement of K. Mangaleswary:

"I, Karunadasa Mangaleswary, aged 20 years, of Munnampodivettai, state that on 5.12.85, myself, my husband Karunadasa, and my daughter Nanda aged 11 years, were at home. At 1am 10 army personnel came to our house and took my husband away. 5 Soldiers forcibly raped me. I regained consciousness at 7am. It is only three months after my last child birth. Later I was told by my neighbours that my husband was shot dead".

Statement of K. Padmini:

"I, Gunaratnam Padmini, state that on 5.12.85 I was sleeping with my husband in my house. At about 1am about 10 military personnel came to our house, woke us and took my husband away. One soldier forcibly raped me".

Statement of Upasena Premawathie:

"I, Upasena Premawathie, 29 years, of Munnampodivettai, state that on 5.12.85 at 1am I and my mother-in-law, Theivanaipillai, were sleeping when I heard someone shouting "Kanagaratnam has come, wake up" When I got up I saw about 15 soldiers. I saw them taking away my two brothers in law Karunadasa and Gunaratnam. Three persons forcibly raped me".

In spite of the fact that evidence of the killings and the rapes had been presented to the government appointed Ceasefire Monitoring Committee, the government did not institute any judicial investigation.

A CASE OF GANG-RAPE

The following is a sworn testimony of a Tamil woman who was sexually assaulted by two army personnel:

"I A . . . T . . . aged 29 years of . . . Trincomalee being a Hindu do hereby solemnly sincerely and truly declare and affirm as follows:

" . . . On 7.4.86 at about 5.30p.m. when I was at home my neighbour Karuna called me out and told me that "YAMAR (meaning Army men) wanted all of us.

"Myself, my mother-in-law and my sister-in-law Thavamani went to Karuna's home

"I saw nearly 20 army men in uniform and armed with guns. One of them asked me my husband and I told him that he had gone to paddy field.

"The army men ordered us to show our houses. I, my mother-in-law and sister-in-law were asked to get into their houses. They did so. Then they asked me to get in my house. I refused and stayed out. I asked them to search the house and go. Two army men dragged me into my house, other two waited inside the kitchen.

"Then they threatened me saying that they will shoot me. Then I shouted loudly and prayed them not to harm me. They showed me the gun and ordered me not to shout.

"They asked me to lie down. I refused. Then they put me down by force. One of them waited at the door step. Other person forcibly put me down on the floor and sexually assaulted me. Thereafter the other three Army men forcibly assaulted me sexually one after the other.

I lost my consciousness after the said assault and regained consciousness by 8.30pm.

"Next morning I was taken to Muthur Hospital where I was told to go to Trincomalee hospital for treatment. Thereafter I was admitted to Ward no 4 at Trincomalee Hospital and I was examined by the DMO. I was warded for 5 days and was discharged on 12.9.86 at 12 noon".

THE ORDEAL OF TAMIL WOMEN IN DETENTION

Mrs A . . . B . . . aged 35 years of . . . Trincomalee was taken into custody by police commandos of the Special Task Force on 25 February 1985. In her sworn testimony dated 20 December 1986, this lady gives a detailed account of her ordeal from the time of her arrest till her release on 28 November 1986.

"My husband, daughter and I were residing in the same house at Muttur in the Trincomalee District.

"On the 25th of February 1985, at about 2pm Police commandos and Army personnel who arrived suddenly in a bus and a jeep entered our house when I was alone. My husband and daughter had gone out to work as casual labourers.

"From the highest official to the ordinary policemen assaulted me severely. They tied both of my hands with a coir rope and I was suspended by my hands from a beam in my house. My clothes were then removed one by one till I was naked. I was beaten with hands and the butt end of guns and kicked by these men. At the same time I was questioned, as to the whereabouts of my husband and daughter.

"I was assaulted for about two hours in the same manner and asked to reveal the whereabouts of my husband and daughter, the hiding places of the "Tigers". Everytime I fainted, water was sprinkled on my face and when I recovered I was beaten again. Once the rope snapped and I fell down but was hung up again.

"Unable to bear the shame and torture, I said I had cooked for the militants. I was then put down. I managed to grab a blouse and under skirt with which I dressed myself. I was not allowed to take anything else.

"I was then locked up in a room of my house with 5 uniformed men and the rest lay in ambush around the compound. I heard the vehicles moving off with other men in it.

"On some people approaching the compound of my house they were shot dead without being questioned.

"Of the five men in the room, four left and the man who remained pushed me down on the ground and inserted his penis into my mouth forcibly. It was nauseating and I vomitted.

"At about 4.30pm the same day a bus and jeep came back to my house with Army personnel. The 4 corpses were lifted. I too was put in and questioned whether they were 'Tigers'. The vehicles then moved to Mutur police station. There the dead bodies were dragged out of the bus and put under a margosa tree in the Police Station premises.

"I was then taken in a boat to Trincomalee and was molested while in the boat. I was taken to Trincomalee Police Station at about 7pm. I was taken back to Police Station the next morning. At the Police Station I was shown the 4 bodies shot the previous day near my house and questioned. I identified one as my husband and for the others whom I did not know I gave names at random through fear. The bodies were then cut up in my presence. Unable to watch the scene I went out and lay on a bench. At about 5pm I was taken back in a boat to Trincomalee.

"On 28.2.85 I was questioned by the CID at the Trincomalee Police Station during which period I was often assaulted with a baton. On or about the 10th of the following month I was taken before high officials of the CID at the Navy Camp, where on my denial of any knowledge of the militants' activities I was beaten and kicked with the booted leg of a CID official at which I fell down and sustained an injury on the back of my chest. I had difficulty in breathing but they refused to take me to the hospital and was taken back to the Police Station where the Matron gave me medicine and balm to be rubbed on my chest.

"On 14.3.85 another married woman named . . . , 19 males and I were handed over to the Sri Lanka Navy who put us in a boat. We were put ashore at about 3.30pm On 15.3.85 at a place I later knew was Galle. I and the other woman . . . were taken to the Galle Police Station where we spent 36 days. On 18.4.85 we were taken to Boosa camp.

"Female detenu Miss . . . also from an area a quarter of mile from my house at . . . was brought to Boosa on 30th April 1985. There were injuries on both her wrists and she was unable to fold her fingers. She told me and the other female detenus that she was stripped naked, molested and hung up by her wrists by the Muthur Police before she was sent to Boosa. The other female detenu and I dressed her wounds, applied oil and balm and relieved her pain.

"One day in June 1985, three female detenus Miss . . . , Mrs. . . . , Miss . . . and I were taken for interrogation. I was beaten about 50 times with a loaded plastic pipe on the head and hands during the interrogation. I suffered continuous pain for several days unable to move about. The others were also beaten similarly.

"Miss . . . from Mutur was brought to Boosa Camp and put in our enclosure one day in March 1986. She had wet marks all over her body. She could not sit on the floor. She told me that she was unable to squat. When we pressed her for the reason she said she had been stripped naked, and the baton which Police used had been forcibly thrust into her vagina by a policeman from Mutur police. That as a result she felt severe pain in the region of her sexual organ and was unable to sit.

"She further told us that 14 other girls from her area were taken by Mutur police along with her and that they were stripped naked and raped by the Mutur policemen.

"On one occasion two male detenus who came out to answer a call of nature were beaten up and made to bathe in the cess-pool at 10pm. They were then stripped naked, made to hold each others organs and shake it. They were also made to put each others organs into their mouths. They were also made to place their organs on a stone and hit it with another stone. I was able to watch this from the enclosure where I was held as all this took place opposite our enclosure.

"When the male detenus went to bathe they were beaten and water was refused. They were made to wrestle and hit each other. When new detenus were brought in they were beaten with long wooden poles and several had bleeding head injuries or arms fractured and legs broken consequently. Detenus being assaulted daily during interrogation was a common feature. Some were made to lie on the floor. Kept pressed to the ground and assaulted on their heels. Edible items and clothing brought by the parents of detenus on their visits were never handed over to the detenus in full. A greater part was taken by Army personnel. Whenever there was any news of Army casualties at the hands of the militants, all utensils like cups, plates, plastic cans bottles, glasses would be taken away and be burnt.

"Male detenus would plead for the meals that the females were throwing away because the rice was almost raw. Only 2ozs of tea was supplied to the males.

"I had no change of clothes and was dressed only in a blouse and underskirt from the time I was arrested. I asked for cloth to be used as sanitary towel from the female soldier who came to our enclosure occasionally. She declined to provide any cloth and I borrowed cloth from the others.

"On one occasion a detenu shouted out in a dream. The other detenus too got frightened and everyone in the enclosure started screaming. Army personnel then rushed into

the enclosure, took the detenus out and shouted at them to kneel down and were beaten and questioned as to who had shouted out. Nine of the detenus were taken away, stripped naked and beaten very severely till they bled. They were made to go round the Camp following each other. In the nude state they were brought and made to sit in front of the female detenus section and we were asked to look at them. That night we were not able to sleep or go out to urinate and spent the night weeping.

"The next day the other detenus were questioned as to the cause for the screaming. As all were silent 10 detenus were taken away, and were made to bathe at 10pm in the cold. They were made to grovel on the ground in the water-logged ground. This was repeated several times. They were then made to sit in the pouring rain. Detenus were punished similarly every night in front of our enclosure and we were not allowed to sleep peacefully.

"Since June 1986 as male detenus were not allowed to go out to urinate or answer a call of nature at night, they used plastic bottles or plastic bags for the purpose. In the mornings they would come running with the bottles and bags and throw the contents into the cess-pits after opening the concrete plates. Whenever, the cess-pits filled up, the male detenus were made to clear the pits by using buckets supplied by the Authorities. After clearing the pits, they were made to wash the buckets used for the purpose and then allowed to bathe. The same buckets were used to retain drinking water for the detenus.

"Due to lack of a balanced diet, insufficient food and regular bathing, several developed skin ailments. Several detenus died for want of proper medical attention. When detenus pleaded for more food they were made to kneel, then kicked, beaten and pulled through the barbed wire sustaining tears of the skin. Detenus were aged 10 to 80.

"When army personnel saw young girls (detenues) they asked the girls to marry them. When the girls asked for water they said they had semen water and asked whether they wanted it. Male detenus were refused water to drink. No medicine was given to those who were ill. The male detenus went on a hunger strike during my stay at Boosa. The army personnel infuriated by this action, assaulted the detenus. Those who had chicken pox were not given any drugs. They were given only Margosa leaves.

"Polythene bags were set alight and rubbed on the bare bodies of detenus. All detenus were very lean with their bones visible for lack of sufficient food. Several had chest ailments due to assault. Several complained of abdominal pains, dysentery and diarrhoea and scabies. Water was unclean. Wells were close to spots where excreta was buried.

"The female detenues from Batticaloa told me that at Batticaloa 2 girls had been stripped naked and other women detenues were asked whether they wanted to see Eelam and these naked women detenues were shown to them.

"Not a single detenu from Batticaloa arrived without injuries. One detenu had been burnt with hot-iron rods on the hands, legs, and the anus. Wounds had festered. He tied his sarong with difficulty and died when being taken to hospital. The other male detenus told me this. Several died of diarrhoea, dysentery and chest pain. When relations called to visit them the ashes of the dead persons were handed over to them.

"Four foreign correspondents came to visit the Boosa Detention Camp about June this year. They were accompanied by a Military official. The foreign correspondents wanted to take picture of the detenus. The detenus were asked to come out of the barbed wire enclosure to be video photographed by the foreign correspondents. Detenu Mr Ramanujam Manikkalingham, an American University graduate, having overheard the conversation said that if need be the detenus be photographed from where they were locked in behind barbed wire. Later, after the correspondents went, Mr Manikkalingham was taken to the Guard Room and beaten. I heard him being beaten and his screams for about 10 minutes.

"I was taken from the Boosa camp on 2.9.86 to the High Court at Colombo. I pleaded guilty in order to avoid a lengthy trial. I was sentenced to three months imprisonment but was released on 28 November 1986."

BREACH OF INTERNATIONAL COVENANTS

By not observing many of the important legal safeguards provided under Article 9 of the International Covenant on Civil and political Rights, namely by keeping persons in prolonged arbitrary detention, by not promptly bringing the detainee before a judge, by not bringing the detainee to trial within a reasonable time, by denying the right of a detainee to challenge the lawfulness of his detention before a court, by detaining incommunicado without access to lawyers, etc; the government has created the conditions that facilitate and encourage the practice of torture.

The Sri Lankan government is in breach of the provisions of the UN Declaration on the Protection of All Persons From Being Subjected to Torture in many respects, including the following:

* Article 3 provides that no State may permit or tolerate torture. However, the fact there is substantial evidence of torture being practised widely against detainees and the government has failed to take measures to remedy the situation leads to the irresistible inference that the government is consciously permitting or condoning or tolerating the practice of torture against detainees.

* Article 6 requires the government to keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of liberty with a view to prevention of any cases of torture. However, despite the fact that there is credible evidence that the security forces are using torture, the government has failed to review interrogation methods and practices by its security forces. Furthermore, the government, in permitting custody of detainees in army camps and allowing detainees to be taken from place to place without independent supervision or control, has failed in its obligation to make arrangements with a view to preventing any cases of torture.

* The government has failed to ensure that all acts of torture are declared offences under its criminal law as required by the provisions of Article 7.

* The government has failed to establish a machinery to enable any person who alleges that he had been subjected to torture to have his case impartially examined as provided for in Article 8.

* Article 9 provides that wherever there is reasonable ground to suspect that an act of torture has been committed, the government shall promptly proceed to an impartial investigation. However, the Sri Lankan government has so far not instituted a single impartial investigation in spite of widespread allegations of torture.

* Article 12 provides that any statement established to have been made as a result of torture may not be invoked as evidence against the person concerned or against any other person in any proceeding. However, under the Prevention of Terrorism Act, a statement which amounts to a

confession, or which incriminates any other person, is allowed to be used in evidence against both the maker and the other person. The burden of establishing that the statement was made under torture is placed upon the defendant. In the context of detainees being kept in solitary confinement and military custody, mainly in army camps, the task of discharging that burden is virtually impossible. For all intents and purposes, the practical consequences of the provisions of the Prevention of Terrorism Act is to permit the use of confessions made by detainees even under torture, contrary to Article 12.

APPENDIX "A"

SCHEDULE OF THE MINISTRY OF INTERNAL SECURITY REGARDING DETENTION CONDITIONS

PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT NO. 48 OF 1979 ORDER UNDER SECTION 9 (1)

By virtue of the powers vested in me by Section 9(1) of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, I, Tikiri Banda Werapitiya, Minister of Internal Security having reason to suspect that:

of..... is concerned with or concerned in unlawful activity to wit..... do hereby order that the above named detained at Army Camp, Panagoda, from the date of this order until the subject to the conditions set out in the schedule hereto.

(signed)

Minister of Internal Security
Colombo, May 26, 1981.

SCHEDULE:

1. The suspect will not be permitted to have any visitors.
2. The suspect may for the purpose of investigation or interrogation be taken from the place of detention by any person authorised by me to such place or places and for such periods as are approved by me.
3. The suspect will not be supplied any newspapers but may be supplied with other reading matter at the discretion of the Inspector General of Police.
4. The suspect will be at the expense of the State, be supplied with all meals.
5. The suspect will be permitted to receive through the Inspector General of Police, articles of clothing for his use.
6. The suspect will at the expense of the State, be supplied with ten cigarettes per day and with writing paper and material, toothpaste and soap.
7. The suspect will be permitted to receive and send out, through the Inspector of General of Police, letters and other correspondence.
8. The suspect will be provided with facilities for regular bathing and exercise.
9. The suspect will, at the expense of the State, be provided with regular medical facilities.

RECOMMENDED READING

Amnesty International — Report of an Amnesty International mission to Sri Lanka: 31 January — 9 February 1982 London, July 1983.

Amnesty International: Statement Updating into Human Rights Concerns in Sri Lanka: July — September 1983 London, September 1983.

Amnesty International USA — Sri Lanka Current Human Rights Concerns and Evidence of Extrajudicial Killings by the Security Forces: July 1983 — April 1984 New York, USA.

Amnesty International — Sri Lanka: Reports of Recent Violations of Human Rights and Amnesty International's Opposition to Refoulement of the Tamils to Sri Lanka. London, January 1985.

Amnesty International — Sri Lanka: Allegations of Extrajudicial Killings by Army Personnel: Details of Some Cases Reported During December 1984 and January 1985. London, April 1985.

Amnesty International — Updated Statement of Amnesty International's position on Refoulement of Tamils of Sri Lanka, London, May 1985.

Amnesty International — Sri Lanka: Allegations of Extrajudicial Executions and 'Disappearances' in May 1985, London, 16 October 1985.

Amnesty International — File on Torture: Sri Lanka, Newsletter V.15 (10), London, October 1985 p.3-5.

Amnesty International — Reaffirms its Continued Opposition to Refoulement of Tamils to Sri Lanka. London, February 1986.

Amnesty International — Sri Lanka, Some Recent Reports of Extrajudicial Killings, September 1985 to March 1986. London, April 1986.

Amnesty International — Sri Lanka: Disappearances. London, September 1986.

Hyndman, Patricia — The Communal Violence in Sri Lanka: July 1983. Sydney, Lawasia, 1984 295p

Hyndman, Patricia — Sri Lanka: Escalating Violence and Erosions of Democracy (final report). Sydney, Lawasia, 1985.

Kilroy-Silk, Robert; Sims, Roger, Sri Lanka: A Nation Dividing: Report of a visit to Sri Lanka on behalf of the Parliamentary Human Rights Group. London, House of Commons, February 1985 17p.

Leary, Virginia A — Ethnic Conflict and Violence in Sri Lanka: Report of a Mission to Sri Lanka in July — August 198
Geneva, International Commission of Jurists.
1st ed. (1981) 87 p. + 2nd ed. (August 1983) 110 p.

Piyadasa L. — Sri Lanka: The Holocaust and After. London, Maram Books. 1984, 129 p.

Schwarz, Walter — The Tamils of Sri Lanka. London, Minority Rights Group, 1983, 16 p.

Sieghart, Paul — Sri Lanka: A Mounting Tragedy of Errors, London, International Commission of Jurists and Justice, March 1984, 95 p.

