



Tamil Information Centre

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Committed to Human Rights and Community Development

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For the Attention of the Members of the Human Rights Council

The Tamil Information Centre (TIC) is a non-profit community-based organization involved in promoting human rights, peace and development in Sri Lanka for over 25 years. The TIC is submitting this document to members of the UN Human Rights Council for information and consideration at the sessions in September 2006.

The UN Human Rights Council must ensure Sri Lankan State's human rights responsibility and accountability

The 27 January 2003 report of the UN High Commissioner for Human Rights on *Continuing Dialogue on the Measures to Promote and Consolidate Democracy*, says that the way to build a real participatory democracy is that the system of governance must be characterized by the **rule of law** in conformity with **human rights standards**, including the **right to development**. A strong and **independent judiciary** is absolutely essential for the protection of basic human rights and, indeed, for the preservation of democracy. States bear ultimate responsibility as guarantors of democracy, human rights and rule of law. States must uphold their human rights obligations during periods of conflict and national emergency, in accordance with international law, the rule of law, and the principles of democracy.¹

Emergency rule

Unfortunately, Sri Lanka has been under Emergency rule for 10,972 days up to the end of August 2006 since independence. In other words, the Sri Lankan people have been ruled by Emergency Regulations for almost 30 out of the 58 years of independence and their rights have been systematically crushed. The land is now under Emergency rule, and the current draconian Emergency Regulations, which are primarily used against the Tamil community, have removed every tenet of democratic governance.

Emergency Regulations (ER)

A State of Emergency was reintroduced in Sri Lanka on 13 August 2005. Although The Presidential Directives issued on 5 July 2006 may provide some measure of safety for people who are arrested, the Directives in no way diminish or rectify the draconian nature of the ERs. Under the Directives, the arresting officer is required to provide an arrest receipt. But the Directives also provide that where 'it is not possible' to issue a receipt, it is sufficient to make an entry in a police Information Book.

The ERs have the effect of removing judicial oversight in relation to arrest and detention, and suspend the relevant provisions of the normal law. They give authority to security forces to arrest on mere suspicion, without warrant. The person arrested can be indefinitely detained without access and without charge. The

¹ *Interdependence between democracy and human rights*, Report dated 18 March 2005 of the second expert seminar "Democracy and Rule of Law", Geneva 28 February-2 March 2005 submitted to the 61st session of the Commission on Human Rights, E/CN.4/2005/58 – www.ohchr.org

ERs also give wide powers of preventive detention to the Defence Secretary. The ERs allow confessions to the police or any other person admissible as evidence in court and suspend the relevant provisions of the normal law. The ERs also erode the powers of the courts in relation to deaths in the custody of the security forces. Under the ERs enquiries into deaths in custody can take place only on application by the police.

As past experience has shown, there is no doubt that these ERs encourage impunity among the security forces. The ERs do far more than deny civil liberties. They deny justice. The consequences of the ERs are indefinite detention without access or trial, admission of confessions obtained under torture, the absence of judicial oversight over arrest, detention and enquiry into custodial deaths and the absence of adequate penal provisions for breaches by detaining officers. These circumstances are ripe for arbitrary detention, torture, disappearances and executions to be carried out with impunity (For details of the ERs see Annex I). The Prevention of Terrorism Act (PTA) is also in force despite objections by the UN, and it does not have any of the safeguards that are provided in the laws relating to terrorism in other countries.¹

Sri Lanka Human Rights Commission (SLHRC)

The Presidential Directives provide for access to places of detention to the SLHRC and for information to be provided to the SLHRC within 48 hours of arrest. But most torture victims suffer within the first 48 hours of arrest. International human rights agencies have already pointed out that the SLHRC lacks the power and support needed to carry out its mandate. Furthermore, the current SLHRC lacks credibility and a legal basis. Sri Lankan agencies have noted that some of the new commissioners lack human rights experience, commitment and skills needed for the important task. In such circumstances, it is unlikely that the SLHRC would be able to provide adequate relief to the people affected by human rights violations.

The Judiciary

The judiciary is a vital institution of any democracy. The UN Special Rapporteur on Extra-judicial Executions says that in Sri Lanka, an ineffective justice system creates a climate of public opinion conducive to condoning police torture and summary execution of suspects.² The Emergency Regulations erode, and in many instances remove, the powers of the judiciary.

In August 2001, the International Bar Association (IBA) concluded that there was ‘an overwhelming need for an independent credible judicial system’ in Sri Lanka. It detailed instances of lack of accountability, breach of natural justice and potential for undue interference, and pointed out that institutions which should be protecting the rule of law, including the President, the government and the Chief Justice, were acting to undermine it. The IBA said that the Chief Justice had removed judges without enquiry. The UN Special Rapporteur on the Independence of Judges and Lawyers said in July 2003 that corruption in the judicial system is on the increase. Up to now, no action has been taken to address these concerns and the Supreme Court is still headed by the same Chief Justice.

Torture

In December 2005, the UN Committee against Torture expressed its deep concern about continued well-documented allegations of torture and ill-treatment as well as disappearances, mainly by Sri Lanka’s police forces. It also said it was concerned that such violations by law enforcement officials are not investigated promptly and impartially by Sri Lanka’s competent authorities. The Committee was also concerned that fundamental safeguards for persons detained by the police, including habeas rights, are not being observed. The Committee further expressed concern about continued allegations of sexual violence and abuse of women and children in custody, including by law enforcement officials, as well as lack of prompt and impartial investigations of these allegations. The Committee said it was further concerned about allegations of reprisals, intimidation and threats against persons reporting acts of torture and ill-

¹ The PTA was introduced in 1979 as a temporary measure, but still remains on the statute book.

² *Civil and political rights, including the question of disappearances and Summary executions*, Report dated 27 March 2006 by Philip Alston, Special Rapporteur on Extra-judicial, Summary and Arbitrary Executions to the 62nd Session of the Commission on Human Rights, Mission to Sri Lanka 28 November-6 December 2005, E/CN.4/2006/53/Add.5 – www.ohchr.org

treatment as well as the lack of effective witness and victim protection mechanisms.¹

Torture by the security forces has gone on in Sri Lanka for several decades and is widespread, systematic and institutionalized. Freedom from torture is a non-derogable right and no true free and democratic nation allows torture to become institutionalized. The Sri Lankan government on many occasions has stated that it intends to eradicate torture, but in recent months, steps taken by the Inspector General of Police (IGP) are in the opposite direction and encourage police officers to engage in torture (See Annex II for the steps taken by the IGP).

Extra-judicial executions

The UN Special Rapporteur on Extra-judicial Executions says in his March 2006 report that the Sri Lankan police are now engaged in summary executions, and in none of the cases of killing by police, had an internal police inquiry been opened. He points out that when grave misconduct such as torture or murder has been alleged, the police Criminal Investigation Department (CID) conducts the investigation, which undermines both its effectiveness and impartiality, and that cases referred to the Attorney General seldom lead to conviction. The Rapporteur says that the ‘failure to effectively prosecute government violations is a deeply-felt problem in Sri Lanka’, and ‘many people doubt that their lives will be protected by the rule of law’.²

A large number of killings have taken place in the north-east region since the ceasefire of February 2002 and many killings have also taken place outside this region, including in Colombo. After April 2004, the killings dramatically increased. UN officers estimated the number of killings in 2005 at 500. In 2006, the deaths have risen to more than 1,000 up to end of August. A TIC compilation of killings in the north-east for a period of 36 days between 1 July and 5 August 2006, shows that 187 people, including combatants, were killed and 284 were wounded, many of them seriously. In this period, 79 civilians were killed and 163 were wounded.³

In many cases of civilian deaths, the killings were carried out by unidentified persons arriving at homes and shooting them or taking them away to other places and murdering them. Many people were abducted by unidentified persons, murdered and their bodies dumped in public places. Others were murdered in public places such as bus stations, streets, shops or offices. The phenomenon of civilian killing by unidentified persons is becoming widespread and has led to the belief that a new force is operational in the north-east, creating fear and panic among the people. People have been shot, hacked or battered to death or strangled. Some were killed by grenades and many others were killed by security forces in retaliatory attacks. Some were shot dead at security force checkpoints. Many civilians were also killed in landmine or bomb attacks against security forces. Most of the civilians killed were between the ages of 15 and 35, but some people over the age of 60 were also targeted. They included students, housewives, businessmen, local councillors, fishermen, taxi or three-wheeler drivers or former members of Tamil militant groups. The Sri Lankan security forces, the Liberation Tigers of Tamil Eelam (LTTE) and paramilitary groups aligned to the security forces are accused of carrying out the attacks on civilians. People also say that some are taking the chaotic situation to settle private scores.

The government cannot deny the Sri Lankan State’s legal and moral responsibility to take all measures to protect all civilians. Since the LTTE holds territory, it must take the responsibility of providing protection to all people living within that territory.

¹ *Consideration of reports submitted by States Parties under Article 19 of the Convention against Torture, Sri Lanka: Conclusions and Recommendations*, UN Committee against Torture, 35th Session, 7-25 November 2005, CAT/C/LKA/CO/2 – www.ohchr.org

² Report of the Rapporteur on Extra-judicial Executions, op.cit.

³ These figures relate to reported incidents and do not represent the total number of killings in the north-east during that period.

Investigations

An important concern is the lack of monitoring and investigation of human rights violations, including extra-judicial killings. None of the deaths has been probed or effectively probed by law enforcement agencies to find the perpetrators. Unless these are investigated independently, effectively and without delay, there is little hope of finding the perpetrators and ending the killings. The TIC notes that investigations promised by Sri Lankan authorities have not been carried out. In most cases where there is a claim by the authorities and publicity that investigation is underway, in reality no action whatever has taken place. In many instances, the investigators themselves have turned protectors or defenders of the perpetrators, and witnesses have been threatened. Higher authorities have also acted to protect the perpetrators and some times to prevent investigations. In some massacre cases, investigations have commenced but not completed. Where charges have been brought due to international pressure, the accused have been acquitted (eg Bindunuwewa massacre case). The State security forces have carried out a large number of massacres of civilians. Most of these have not been investigated (See Annex III for list of massacres by the security forces).

Following mounting international pressure, Sri Lankan President Mahinda Rajapakse announced on 4 September 2006 that the government will invite an *'independent international commission to probe abductions, disappearances and extra-judicial killings in all areas of the country, which will have powers to investigate all such incidents'* and that *'the security forces and the police have been requested to extend their fullest cooperation'*. But within two days, the President went back on his promise. A new statement on 6 September said that the government will invite an *'international group of eminent persons to act as observers of investigations into alleged abductions, disappearances and extra-judicial killings'*. It is clear that the Sri Lankan government is intent on denying adequate and effective international involvement, and proper investigations into violations of human rights.

Disappearances

The UN Working Group on Disappearances said in its report in December 2005 that of more than 12,278 cases of disappearances in Sri Lanka submitted to the government, 5,708 remain un-clarified and this is the highest number of disappearances in the world next to the case of Iraq with 16,517 disappearances. Of the 6,530 persons clarified by the Sri Lankan government, 6,444 are dead and 24 are in detention. The Working Group says that it had to increase the capacity of its secretariat to deal with the cases of disappearances in Sri Lanka.¹

In Sri Lanka, four Presidential Commissions inquired into 37,662 of the 54,404 complaints of disappearances, which took place between January 1988 and December 1995 and found evidence of disappearance in 21,115 cases. No enquiries have been conducted into another 16,742 cases of disappearances. No further action has been taken in the 21,115 cases where the commissions have recorded the names of the security force personnel responsible for the disappearances. Most of them continue to hold positions in the forces. No true democratic nation would allow its citizens to disappear in this manner and fail wilfully to bring those responsible to justice despite the urging of the United Nations.

The SLHRC decided in mid-July 2006 that it will not hear 2,127 cases of disappearance passed on to it from the presidential commissions, *'unless special directions are received from the government, as findings will result in payment of compensation'*.² It is an appalling state of affairs that an "independent commission" with constitutional powers, appointed for the protection of the people, is taking instructions from the executive, completely contrary to the purpose for which the 17th Amendment to the Constitution was introduced.

¹ *Civil and political rights including the question of disappearances and summary executions*, Report dated 27 December 2005 submitted to the 62nd session of the UN Commission on Human Rights, Working Group on Enforced or Involuntary Disappearances, E/CN.4/2006/56, www.ohchr.org

² *Sri Lanka: The Human Rights Commission of Sri Lanka has stopped investigation into disappearance cases to avoid having to pay government compensation to victims*, Asian Human Rights Commission, 18 July 2006, AS-169-2006

Since December 2005, the number of disappearances has increased dramatically in the north-east. Between December 2005 and August 2006, 368 complaints were made to the SLHRC regarding missing persons or disappearances. In 74 cases, arrests were witnessed by people, but security forces later denied the arrests or the relatives have not been able to find the place of detention. In most cases where people have been traced to security force detention centres or prisons, the relatives have not been issued with arrest receipts as required by the Presidential Directives. On 10 September 2006, the SLHRC announced that it had received 419 complaints of disappearances in the Jaffna peninsula alone since December 2005.

Internal displaced people

More than 550,000 people remain displaced in north-east Sri Lanka, including 160,000 newly displaced since April 2006. Nearly 9,000 Tamils also fled to India in 2006. The displaced people in the north-east are particularly vulnerable to increasing violence and human rights abuses by armed groups and security forces. The government has so far failed to provide them adequate protection. The government has also miserably failed to take effective measures to ensure reconstruction of the war and tsunami damaged infrastructure in the north-east or provide adequate assistance for rehabilitation of the people affected in the areas by these disasters. On government initiative, the *Parliamentary Select Committee for the Operations of NGOs* was established, after politicians attacked NGOs and critical articles appeared in the Sri Lankan media. The International Commission of Jurists (ICJ) has urged that the Select Committee should follow due process, provide sufficient time and opportunity for representation, ensure fairness and impartiality and refrain from taking on quasi-judicial functions.¹

Seventeen Tamil aid workers of the French agency *Action Contre La Faim* (ACF) were shot dead at Muthur in Trincomalee District on 4 August 2006. The Sri Lanka Monitoring Mission (SLMM) has said that the Sri Lankan security forces were responsible for the killings. Instead of launching a proper inquiry, the government ordered all foreign staff of NGOs to obtain work permits within 48 hours and over 500 foreign staff are waiting for the permits. The government has also ordered agencies to hand over assets to the military if they were leaving embattled areas. On 29 August 2006, the government froze the accounts of the Tamils Rehabilitation Organization (TRO), which has access to areas of the north-east, in a clear attempt to use humanitarian aid as a weapon.

The government's above actions and omissions have tremendously affected the welfare of the people, including the people of the north-east, and have particularly hit the displaced people very hard.

Freedom of religion

Following a visit to Sri Lanka in May 2005, the UN Special Rapporteur on Freedom of Religion and Belief said in her report that the 'recent deterioration of religious tolerance and the absence of appropriate action by the government have brought respect for freedom of religion or belief to an unsatisfactory level'. The Rapporteur reminded the government that it has to fulfil its positive obligation to protect the right of freedom of religion on behalf of all its citizens, irrespective of the religious community to which they belong. The Rapporteur also said that these positive obligations include, first and foremost, the prompt investigation of any act of religious violence or intolerance, the prosecution of all perpetrators and the awarding of compensation to the victims of these violations.² As expected, the government of Sri Lanka has so far done nothing.

Freedom of expression

Freedom of expression and a free press are essentials in a democratic state. The UN Special Rapporteur on the Right to Freedom of Opinion and Expression said in his report of 27 March 2006 on Sri Lanka that

¹ Letter dated 5 September 2006 to President Mahinda Rajapakse from Nicholas Howen, Secretary General of the International Commission of Jurists

² *Civil and political rights including the question of religious intolerance*, Report dated 12 December 2005 submitted to the 62nd session of the UN Commission on Human Rights by Asma Jahangir, Special Rapporteur on Freedom on Religion and Belief, Visit to Sri Lanka 2-12 May 2005, E/CN.4/2006/5/Add.3 – www.ohchr.org

he was seriously concerned, in the light of information that those responsible for attacks and killing of five journalists over the past four years had not yet been apprehended and brought to trial. The Special Rapporteur urged the government to provide protection to journalists and human rights defenders and called on the government to be thorough in investigating and in bringing to justice those responsible in line with international human rights norms and standards.¹

Sampath Lakmal de Silva, who specialized in defence issues, was abducted and murdered in Colombo on 2 July 2006. The Director General of UNESCO, Koïchiro Matsuura, condemned the murder and said it was crucial that the circumstance of the abduction and murder is elucidated without delay and perpetrators brought to justice.² The Sri Lankan Free Media Movement (FMM) has pointed out that six people working for the media, including four journalists, have been killed in Sri Lanka in the last 16 months, while not a single crime against a journalist has been solved in the country for the last 20 years.

Rule of law

In a democratic country, governance must be characterized by the rule of law in conformity with human rights standards. The current President Mahinda Rajapakse himself has wilfully breached the Constitution of Sri Lanka. He has so far failed to appoint a Constitutional Council as required by the 17th Amendment to the Constitution. Whereas the Constitution requires appointments to bodies such as the Supreme Court and the independent commissions to be made only from persons selected and screened by the Constitutional Council,³ the President has made appointments in the absence of the Constitutional Council. He has appointed members of the Police Commission, Public Services Commission, Human Rights Commission and the Supreme Court. Transparency International has expressed shock and dismay and says that the political decision taken by President Rajapakse to ignore the 17th Amendment will have serious repercussions on the implementation of the rule of law. It also says that the appointments to the judiciary would affect the independence and integrity of the judiciary while having the effect of embarrassing and undermining the judiciary.⁴

In a June 2006 letter to Sri Lankan Minister for Human Rights Mahinda Samarasinghe, the Asian Human Rights Commission (AHRC) says that the rule of law situation in the country is worsening day by day, and Sri Lanka, since becoming a Republic, primarily had two stages of the collapse of the rule of law. Firstly, by bringing in so called new 'laws' that do not conform to reasonable legal norms acceptable to any society based on the rule of law through the majority power in the parliament and hence, violating the governance of the rule of law. Secondly, as it happens now, by direct illegal orders of the Executive President. The AHRC further says as follows:

“The country is experiencing the horrendous impact of the first stage now. The police and the armed forces behave, as if they are a law unto themselves. Violation of rights of the individual is fast becoming the rule rather than the exception, may it be in the village grocery or in the highest government office. The police show no interest in investigating complaints from the ordinary public other than in very grave crimes, which for the sake of their graveness the police cannot ignore. In the recent past, except in a few matters that were very heavily pushed for investigations for reasons such as the sensationality of the crime or the social standing of the victims, a very great lax in the investigation of crime is seen.

¹ *Civil and political rights including the question of freedom of expression*, Report dated 27 March 2006 submitted to the 62 session of the Commission on Human Rights by Ambeyi Ligabo, Special Rapporteur on the Right to Freedom of Opinion and Expression, E/CN.4/2006/55/Add.1 – www.ohchr.org

² *Director-General of UNESCO condemns the murder of Sri Lankan journalist Sampath Lakmal de Silva*, 7 July 2006, Communication and Information Resources, UNESCO – <http://portal.unesco.org>

³ Article 41B of the Sri Lankan Constitution

⁴ *President usurped powers of the Constitutional Council; TISL condemns appointments to Police Commission and Public Service Commission*, 11 April 2006; *Shameless Extra Constitutional Appointments Continue - President appoints HRC*, 19 May 2006; *President embarrasses judiciary with continuous arbitrary appoints*, 30 May 2006, Transparency International Sri Lanka – www.tisrilanka.org

“You will I am sure agree that without resolving these fundamental problems of the rule of law it is not possible to find any genuine solution to the conflict in the north and east as the conflict is again turning more violent. It is time for anyone who has been given responsibility to deal with human rights affairs on behalf of the government to look into these issues and also the problems of security of everyone in the country including those living in the north and east.”¹

The Tamil Information Centre calls upon the UN Human Right Council to urge,

Peace

- the Sri Lankan government and the LTTE to end all hostilities, resume negotiations and discuss substantive political and human rights issues on the basis of the Oslo Declaration to achieve a lasting solution to the conflict, while adequately consulting civil society to ensure that issues affecting the people are taken into consideration.
- The Sri Lankan government and the LTTE to agree without delay on the composition and powers of the SLMM and strengthen the peace process by separating peace facilitation and peace monitoring.

Human rights

- the Sri Lankan government and the LTTE to respect human rights and international humanitarian law as pledged to the international community, including the UN, on many occasions, and ensure that all civilians are protected in the territories they control;
- the Sri Lankan government to ensure that a mechanism for investigation of human rights violations throughout the island is established with international participation. International observer missions are inadequate and will serve no purpose in the circumstances that prevail currently in Sri Lanka. The proposed international body must be properly resourced with a robust mandate and expertise in human rights and civil affairs. As has already been pointed out by the UN, it must meet the requirements of independence, credibility, effectiveness and empowerment, so that it contributes to public confidence, peace and stability in all parts of Sri Lanka;
- the LTTE to provide access to the territory and people under its control, for the purpose of the investigations, and ensure necessary cooperation in the conduct of the investigations;
- the Sri Lankan government to take note of the concerns of UN bodies such as the Working Group on Disappearances and the Committee against Torture in relation to the previous Emergency Regulations, and bring the current Emergency Regulations in conformity with internationally accepted standards;
- the Sri Lankan government to strengthen the Sri Lankan Human Rights Commission with adequate powers to carry out its mandate and ensure that government institutions and the security forces provide full cooperation in the investigation of human rights violations;
- the LTTE to ensure that the North-East Secretariat on Human Rights (NESOHR) is made truly independent to carry out its mandate and it is provided necessary powers, support and facilities.

¹ Sri Lanka: Open letter from the AHRC to the Minister for Disaster Management and Human Rights, 16 June 2006, AHRC-OL-018-2006 – www.ahrchk.net

Impunity

- the Sri Lankan government to take special measures to tackle impunity, paying special attention to the laws and regulations that contribute to impunity and to demonstrate commitment to confronting impunity by initiating proper, adequate and impartial investigations into allegations of torture, rape, disappearances and extra-judicial executions, and prosecuting the perpetrators, irrespective of their ethnic origin, position or status.

Rule of law

- the Sri Lankan government to ensure that the Constitutional Council under the 17th Amendment to the Sri Lankan Constitution is constituted without delay and the independent commissions are properly appointed in accordance with law and procedure.

People affected by war and tsunami

- the Sri Lankan government to lift all restrictions on humanitarian agencies and enter into immediate negotiations with the LTTE to create the necessary climate and institutional structure for a joint mechanism to provide adequate relief and rehabilitation facilities to the people in the north-east affected by war and the tsunami, and to engage in the reconstruction process.

Annex I

Emergency Regulations

A State of Emergency was reintroduced in Sri Lanka on 13 August 2005.¹ Sri Lankan President Mahinda Rajapakse issued directives on 5 July 2006, for the protection of people arrested and detained under Emergency Regulations (ERs) of August 2005 or the Prevention of Terrorism Act (PTA)². The fact that the President issued these Directives to elaborate some safeguards that are already provided by the ERs³ is an indication of the serious problem of impunity that permeates the entire security force and government establishments. Although the Directives may provide some measure of safety for people who are arrested, the TIC wishes to point out that these Directives in no way diminish or rectify the draconian nature of the ERs. The Directives are a clear attempt to mislead the public and to divert attention from atrocities that are consequences of the existence of the ERs. The reference to the PTA in the Directives also indicates an intention to use this harsh legislation, despite the provision in the ceasefire agreement that 'search operations, and arrests under the Prevention of Terrorism Act shall not take place'. Furthermore, the Presidential Directives are not part of the ER⁴ (the ER that were in force before 4 July 2002 were part of the ER).

Arrest receipts

Under the Directives, the arresting officer or the officer ordering detention is required to provide his/her name and rank, to the person arrested, or to any relative or friend upon inquiry, and the arrested person must be informed of the reason for the arrest. The arresting officer making the arrest must issue to the spouse, father, mother or any other close relation, a document acknowledging the arrest (arrest receipt). This document must contain the name and rank of the arresting officer, the time and date of arrest and the place at which the person will be detained.⁵ The arresting officer must also inform the Sri Lanka Human Rights Commission (SLHRC) within 48 hours and SLHRC must be provided access to the people in detention.⁶ However, the arresting or detaining officer need not issue a document acknowledging arrest or detention, because the Presidential Directives also provide an 'escape' clause. The Directives say that where 'it is not possible' to issue a document, it is sufficient for the officer to make an entry in the Information Book giving reasons as to why it is not possible to issue the document.

It is of grave concern that the ERs have the effect of removing judicial oversight in relation to arrest and detention, and suspend the relevant provisions of the normal law, the Code of Criminal Procedure Act. The ERs give the authority to the police, armed forces or anyone authorized by the President to arrest on mere suspicion, without warrant.⁷ The person arrested can be detained without access and without charge, and the ERs do not limit the time period of detention. The ERs also give wide powers of preventive detention to the Secretary of the Defence Ministry.⁸ Under this regulation, a person can be held for a period of one year and need not be produced before a Magistrate for 30 days or in some cases 90 days, and the Magistrate has no authority to release the person on bail without written permission from the Attorney General.

Investigation and questioning

The Presidential Directives requiring arresting officers to issue documents, providing information on the place of detention, are useless in view of the some of the regulations of the ER. Under the ER, an investigating officer has the right to question any person in detention and take such person from place to

¹ Emergency Regulations made by the President of Sri Lanka on 13 August 2005 under Section 5 of the Public Security Ordinance.

² The Prevention of Terrorism Act was introduced in 1979 as a temporary measure, but still remains on the statute book.

³ Regulation 20 (9)

⁴ The Presidential Directives that were in force before 4 July 2002 were part of the ERs.

⁵ Directive 3

⁶ Directive 6

⁷ Regulation 20

⁸ Regulation 19

place for the purpose of investigation during the period of questioning.¹ It is also provided that a person in detention under any ER may be removed from detention by any police officer or any authorized officer of the armed forces, for the purpose of questioning or any other purpose connected with the questioning. The person can be kept in the custody of such officer, for a period of seven days at a time. This means the person can be taken away from the place mentioned in the arrest receipt, any number of times and each time held for seven days.²

Confessions and statements

The ERs allow confessions to the police admissible as evidence in court and suspend the relevant provisions of the normal law, the Evidence Ordinance. A confession or a statement made to a police officer not below the rank of an Assistant Superintendent of Police (ASP) is admissible as substantive evidence in court.³ A confession or statement made to any person under any circumstance may also be used as substantive evidence against the accused.⁴ The burden of proving that the confession was made under duress lies on the accused. These provisions have been reintroduced despite the ruling of the UN Committee against Torture, in relation to the previous ERs, that by placing the burden on the accused to prove that a statement was not made voluntarily, the Sri Lankan State violated the provisions of the International Covenant of Civil and Political Rights (ICCPR).⁵

Deaths in custody

The ERs also erode the powers of the courts under normal law in relation to deaths in the custody of the police or armed services.⁶ The Magistrate has wide powers under the Code of Criminal Procedure Act (CPC) to receive information immediately, view the body and hold an enquiry to ascertain the causes of death.⁷ But under the ERs enquiries into deaths in custody can take place only on the application of the Inspector General of Police (IGP) or a Deputy Inspector General of Police (DIG). After a post-mortem, a DIG has the power under the ERs to burn the body without handing it over to relatives.

As past experience has shown, there is no doubt that these ERs, which encourage impunity among the security forces, would lead to illegal detention, torture, rape, disappearance and extra-judicial executions and be used exclusively against the Tamil community.

The Presidential Directives are similar to earlier directives. When the latter were in force, the security forces, in most instances, simply ignored the directives, and no security force member was even disciplined. The ERs say that any offence against the ERs including omission or non-compliance shall not be prosecuted, except with the written sanction of the Attorney General.⁸ With such open licence and in the absence of any accountability and enforcement mechanisms relating to the norms imposed on the detaining officers, the current Presidential Directives are meaningless. It must also be noted that the previous directives did not prevent the occurrence of arbitrary detention, torture, killing and disappearance of hundreds of Tamils.

The Presidential Directives say that a statement of the arrested or detained person should be recorded in the language of that person's choice.⁹ But it is well known that there are very few police officers who can record statements in Tamil, and little attempt has been made to train officers, provide facilities and equipment so that statements may be recorded in Tamil at police stations. If this problem still persists in

¹ Regulation 49

² Regulation 68

³ Regulation 63

⁴ Regulation 41

⁵ Application of Home for Human Rights, Communication No 1033/2001, Views of the UN Human Rights Committee, Eighty-first Session, 5-30 July 2004 – CCPR/C/81/D/1033/2001

⁶ Regulations 54-58

⁷ Sections 371-373 of the CPC

⁸ Regulation 61 (1)

⁹ Directive 5

the government-controlled areas of the northeast, one can imagine the situation in southern Sri Lanka, where many Tamil victims of the current wave of arrests in the north-east are taken and detained in addition to the Tamils being arrested in the south.

Power of the courts

The removal of powers of the courts by ER in relation to arrest and detention and deaths in custody and the subordination of the judiciary to the government administration, have already been pointed out. Some other instances are given below:

1. The ERs say that sections 36, 37 and 38 of the CPC shall not apply in relation to preventive detention ordered by the Defence Secretary.¹ These provisions of the CPC provide that the arrested person must be brought before the Magistrate without unnecessary delay,² that however the person must be produced before the Magistrate within 24 hours,³ and that all arrests must be brought to the notice of the Magistrate.⁴ The ERs also say that the Magistrate shall not release any person on bail unless the prior approval of the Attorney-General has been obtained.⁵ Where the Defence Secretary has ordered a person to be detained, and where the person is produced, the Magistrate has no discretion but to order the person to be detained in a prison.⁶
2. The ERs also say that Section 306 (2) of the CPC shall not apply to a person convicted under any ER. Section 306 (2) grants power to the Magistrate Court to order a conditional discharge of the convicted person taking into consideration the person's character, antecedents, age, health, trivial nature of the offence or extenuating circumstances. This power of the court is taken away by the ERs.
3. Under the CPC, in case of death in custody, the police must immediately inform the Magistrate and the Magistrate has the power to view the body, order a post-mortem examination and hold an inquest.⁷ The ERs remove or erode these powers. Under the ERs, the police officer must inform not the Magistrate but the IGP or DIG who must direct an officer not below the rank of an ASP to proceed to the scene, record observations, take charge of any probable production and record statements.⁸ This arrangement would enable the police to remove or destroy vital evidence. The ERs also require the Magistrate to order, at the conclusion of the post-mortem examination, that the body be handed over to the DIG, who may, in the interests of 'national security', bury or cremate the body without handing it over to relatives.⁹
4. Sections 25, 26 and 30 of the Evidence Ordinance are not applicable in the case of the offence under the ERs.¹⁰ Under the Ordinance, only a confession made in the immediate presence of a Magistrate is admissible as evidence in court. A confession extracted from a person by inducement, threat or promise is inadmissible.¹¹ The Ordinance also prohibits any confession made in custody being admitted as evidence.¹² This means, a confession to another detainee, doctor or visitor is not admissible. Under the ERs, the courts are denied the power to reject such confession evidence.

¹ Regulation 21 (1)

² Section 36 of the CPC

³ Section 37 of the CPC

⁴ Section 38 of the CPC

⁵ Proviso to Regulation 21 (1)

⁶ Regulation 21 (3)

⁷ Sections 371-373 of the CPC

⁸ Regulations 55-56

⁹ Regulation 56

¹⁰ Regulation 63 (4)

¹¹ Section 24 of the Evidence Ordinance

¹² Sections 25-26 of the Evidence Ordinance

5. The ERs prohibit legal action against the security forces or other officers without the consent of the Attorney-General:
6. “No action or other legal proceedings, whether civil or criminal, shall be instituted in any court of law in respect of any matter or thing done or purported to be done in good faith, under any provisions of any or direction made or given thereunder, except by, or with the written consent of, the Attorney-General.”¹
7. As violations are often carried out with official acquiescence and in the circumstances that no action is taken against security forces or government officers violating human rights, it would be impossible to obtain the approval of the Attorney-General to file legal action.

Sri Lanka Human Rights Commission

The Presidential Directives also provide for access to places of detention to the Sri Lankan Human Rights Commission (SLHRC) and that information should be provided to the SLHRC within 48 hours of the arrest or detention.² But international agencies investigating incidence of torture in Sri Lanka have stated that most torture victims suffer within the first 48 hours of arrest. There are serious problems with the SLHRC itself. International human rights agencies have already pointed out that the SLHRC lacks the power and support needed to carry out its mandate.

Furthermore, the current SLHRC lacks credibility and a legal basis, in that it was appointed by the President in the absence of a Constitutional Council, whereas the 17th Amendment to the Constitution says that no person should be appointed to the SLHRC except on the recommendations of the Constitutional Council.³ This provision was introduced by the 17th Amendment to ensure the independence of the commissions and avoid political appointments. Sri Lankan agencies have also noted that some of the new commissioners lack human rights experience, commitment and skills needed for the important task. In such circumstances, it is unlikely that the SLHRC would be able to provide adequate relief to the people affected by human rights violations.

Powers under ERs

The ERs grant enormous powers to the President, State officers and security forces. Under ERs, they can deny, violate or erode fundamental rights such as freedoms of movement, association and expression and the right to privacy. In addition to powers of preventive detention, the defence secretary also has powers under the ERs to issue control orders⁴ and the police have powers to acquire any building⁵ and require householders to produce lists of persons resident in the house,⁶ The President has the powers to order anyone to do any work,⁷ prohibit any public meeting or procession,⁸ prohibit any person from public places⁹ and proscribe organizations.¹⁰ A Competent Authority appointed by the President may take over any vehicle,¹¹ prevent or restrict any publication and take over any printing press.¹²

The ERs do far more than deny civil liberties. They deny justice. The consequences of the ERs are indefinite detention without access or trial, admission of confessions in trials, the absence of judicial oversight over arrest, detention and enquiry into custodial deaths and the absence of adequate penal

¹ Regulation 73

² Directive 6

³ Article 41B of the Constitution

⁴ Regulation 18

⁵ Regulation 8

⁶ Regulation 23

⁷ Regulation 10

⁸ Regulation 13

⁹ Regulation 14

¹⁰ Regulation 71

¹¹ Regulation 9

¹² Regulation 15

provisions for breaches by detaining officers. These are circumstances that are ripe for arbitrary detention, torture, disappearances and executions to be carried out with impunity.

The Emergency Regulations encourage impunity among the security forces, and have led to illegal detention, torture, rape, disappearance and extra-judicial executions. The Prevention of Terrorism Act (PTA) is also in force and this legislation which has been described as a “blot on the conscience of any civilized nation” by the International Commission of Jurists, does not have any of the safeguards that are provided in the laws relating to terrorism in other countries.

Annex II

Retrograde steps taken by the Sri Lankan government, according to the AHRC statement of 26 July 2006

1. During 2004 and 2005 over 102 police officers accused of torture were interdicted after they were indicted before High Courts. The IGP has allowed some officers to return to work despite of the official interdictions and has also stopped interdicting police officers indicted in new cases before the high courts.
2. Some police officers defend the officers charged rather than conducting proper inquiries, thus making a mockery of the police disciplinary procedure. The inquiries, if and when conducted, are carried out years after the event. The victims are allowed to be intimidated and even threatened or bribed.
3. The IGP has also introduced a new system of exonerating police officers even before conducting an inquiry and while the cases are proceeding before the high courts. This is an instance of blatant abuse of power. One glaring case in point is the case against the former Officer-in-Charge (OIC) of the Unkumbura Police and two other officers who were found guilty of committing torture, illegal arrest and detention after a special inquiry by the Human Rights Commission and who are also now facing criminal charges at the Kandy High Court. This officer is now the OIC Traffic, Kandy and the IGP has pardoned him on ‘compassionate grounds’ even before conducting an inquiry.
4. The IGP is also making public statements saying that without torture criminal investigations cannot be conducted. He has even made statements on the radio stating that the extra-judicial killing of criminals is justified.
5. The IGP openly opposed the former National Police Commission, which under the leadership of Ranjith Abeysuriya insisted on implementing the law regarding the interdiction of police officers who are the accused in high court trials.

(Sri Lanka: Torture, worse than absurd, Statement of the Asian Human Rights Commission (AHRC), 21 July 2006, AS-172-2006 – www.ahrchk.net)

Annex III

Massacres of Tamils and Muslims carried out by Sri Lankan security forces		
Date	Incident	Action taken by Sri Lankan government
June 1956	More than 150 Tamils were killed in anti-Tamil violence, mainly in the Eastern Province.	No inquiry.
May/June 1958	An estimated 1,000 Tamils were killed in island-wide anti-Tamil violence.	No inquiry.
July/August 1977	More than 500 Tamils were killed in island-wide anti-Tamil violence.	The recommendations of the presidential Commission (Sansoni Commission) appointed in November 1977 were never implemented. Instead government enacted the Indemnity Act 1982, granting immunity from legal action against government or military officers for acts in August 1977.
14 July 1979	Six Tamil youths were arrested in Jaffna and murdered in military custody.	A Parliamentary Select Committee was appointed in 1979. The Committee said in 1982 that further investigation should be carried out. No further investigation was held.
July 1981	Sinhalese mobs attacked 43 tea estates killing at least 25 Tamils.	No inquiry. Government MPs encouraged violence.
3 June 1983	19 Tamils were killed by Sinhalese mobs in Trincomalee.	No inquiry.
23 July 1983	The army killed 30 Tamil civilians in Jaffna by the army in retaliation for the LTTE killing of 13 soldiers.	No inquiry.
25 & 27 July 1983	53 Tamil political prisoners were massacred in the Welikada maximum security prison.	No inquiry.
July/August 1983	In widespread organized violence, an estimated 2,000 Tamils were killed. Security forces and government officers took part in the violence.	No inquiry. Truth Commission appointed after 22 years in August 2005.
9-12 April 1984	The security forces killed 30 Tamils in Jaffna.	No inquest was conducted into the deaths.
9-12 August 1984	The army also ran amok in Mannar burning buildings and killing many civilians.	The government initially denied responsibility, but later said that mutinous soldiers had carried out the attacks. But no inquiry was held.
1 September 1984	After six police commandos were killed, the STF massacred 18 civilians at Point Pedro in Jaffna District.	The Minister of National Security said that Inspector General of Police would visit Jaffna to carry out an investigation. But the investigation was never carried

		out.
11 September 1984	Soldiers stopped a bus from Colombo to Jaffna at Rambewa in Anuradhapura District, separated the 16 Tamil passengers and shot them dead.	On 13 August 1984, the government announced a full investigation. But no investigation was carried out.
2 December 1984	Following an LTTE attack, the security forces arrested 32 Tamil civilians at Othiyamalai in Mullaitivu District and shot them in the village community hall or outside.	Post-mortem and inquests were held on 4 December 1984, but the reports were not released. No investigation was carried out.
2 December 1984	The army rounded up 92 Tamils at Cheddikulam and Chemamadu in Vavuniya District and murdered them in the Iratperiyakulam army camp.	No investigation was carried out despite the repeated requests of the Mannar Government Agent.
4 December 1984	After a soldier died in a landmine attack, the army went on the rampage at Murunkan in Mannar District and killed 106 civilians.	The Mannar Citizens Committee submitted a memorandum to the President demanding an inquiry, but no investigation was carried out.
15 February 1985	Security forces killed 58 refugees from a refugee camp in Mullaitivu District.	No inquiry.
9 May 1985	In retaliation for the killing of an army officer, the army rounded up 75 Tamil civilians at Valvettithurai in Jaffna, locked them in buildings and shot them or killed them with grenades.	The government promised an investigation, but no action was taken.
15 May 1985	The Navy massacred 48 Tamil civilians in the ferry <i>Kumudini</i> plying between the Jaffna islands.	No inquiry was held. The Minister of National Security denied that the Navy was involved.
17 May 1985	The police Special Task Force (STF) arrested 63 Tamil youths at Naipattimunai, Thuraineelavanai and Chenaikudyiruppu and killed them in Thambiluvil, Amparai District.	No inquiry. But government brought legal action against the Citizens Committee chairman who complained about the killings.
31 May 1985	Security forces arrested 37 Tamil youths at Thanganagar and Kiliveddi in Trincomalee District and killed them in custody.	No inquiry.
3 June 1985	The armed forces killed 13 Tamil civilians in Trincomalee.	No inquiry.
16 August 1985	Following a landmine explosion, the army ran amok in Vavuniya District and killed an estimated 200 civilians.	The government announced that a Military Commission would carry out an investigation. But no such commission was appointed.
4-10 September 1985	The security forces killed 46 civilians in Operation Nilaveli in Trincomalee District.	No inquiry.
20 September 1985	Home Guards entered a house at Kalvettu in Amparai District and shot dead 15 Tamils watching a film.	No inquiry.
2 October 1985	During a search operation Kilinochchi, the security forces shot dead 14 civilians.	No inquiry.
8 October 1985	Eight Tamils were shot dead and their bodies burned by soldiers at Chenayur and Kaddaiparichchan in Trincomalee District.	No inquiry.

13 November 1985	After five police commandos were injured by a landmine in Batticaloa town, the STF arrested nine Tamil civilians and shot them dead.	The Committee for Monitoring Cessation of Hostilities (CMCH), appointed by government on 14 December 1985, rejected police claims that they died in crossfire and said that most victims were killed by a single bullet through the heart. But the government failed to take any action against the perpetrators.
16 November 1985	Following the death of four policemen in a landmine explosion in Batticaloa town, the STF killed nine Tamil civilians and burned shops and houses.	The CMCH again rejected claims of crossfire victims, and concluded that the security forces were responsible for the burning of buildings. But the government did not take any action against the perpetrators.
27 November 1985	Soldiers and Home Guards shot dead 22 Tamil civilians in Kaddaiparichchan, Chenayur, Sampur and Kadalkaraichenai in Trincomalee District and burned the bodies.	A survivor reported the massacre to the CMCH. But no investigation was held by the government.
5 December 1985	Soldiers gang-raped five and killed their husbands and five other men at Munnampodivettai in Trincomalee District.	The women gave evidence before CMCH on 14 December 1985. The government failed to carry out any investigation.
19 January 1986	The STF shot dead 24 Tamil civilians at Iruthayapuram in Batticaloa District during a search operation.	The dead bodies were not released to the relatives and no inquiry was conducted despite an appeal to the President by Bishop Kingsley Swampillai.
19 January 1986	Soldiers fired on Tamil passengers waiting for a train in Kilinochchi station killing 12 of them.	No inquiry.
19 February 1986	Security forces and the Home Guards killed 60 Tamil farm workers at Udumpankulam in Amparai District and burned the bodies.	A committee of inquiry headed by the commander of the navy was appointed. The committee never published its findings.
20 March 1986	The army killed 16 Tamil villagers during a cordon and search operation at Nedunkerny in Vavuniya District.	No inquiry.
10 June 1986	The navy killed 30 Tamil fishermen near Mandaitivu Island in Jaffna District.	The Magistrate who held the inquest said that the attackers were in black uniform and arrived in naval vessels. But no investigation was held by the government.
12 June 1986	Nineteen Tamil refugees from the Poonagar refugee camp were killed by Home Guards at Serunuwara, in Trincomalee District when they went collect dry rations.	No inquiry.
20 June 1986	Thirty two Tamil refugees fleeing in a boat from Gurunagar in Jaffna to India were shot dead by the navy.	No inquiry.
26 June 1986	The security forces killed 15 Tamils during a search operation at Sambaltivu	No inquiry.

	in Trincomalee District.	
28 June 1986	Eight farm workers were shot dead by the security forces at Paranthan in Kilinochchi District.	No inquiry.
9 July 1986	Home Guards killed 11 Tamil civilians at Mullipothanai, Thambalakamam in Trincomalee District.	No inquiry.
13 July 1986	The army killed over 50 Tamils and Muslims during a cordon and search operation at Adampan in Mannar District.	No inquiry.
16 July 1986	Security forces massacred 44 Tamils at Peruveli and Manalchenai in Trincomalee District.	The Muthur Magistrate returned a verdict of homicide at the inquest. But within two hours, all relevant papers were taken to Colombo and no further action was taken.
17 July 1986	Ten Tamil passengers were killed when a helicopter fired on a bus at Thanduvan in Mullaitivu District.	No inquiry.
19 September 1986	After seven police commandos were injured by a landmine, the STF ran amok and killed 11 Tamils in Batticaloa District.	No inquiry was held despite an appeal to the President by Bishop Kingsley Swampillai.
12-22 October 1986	Following the death of seven soldiers in guerrilla attack, security forces killed 21 Tamil civilians during a search operation at Adampan in Mannar District.	No inquiry.
11 November 1986	Security forces killed 20 Tamils at Periyapullumalai in Batticaloa District. Another 21 disappeared.	The newspapers reported about an inquiry into the incident by a committee of three army officers headed by the Joint Chief of Staff. The report of the committee was never made public and no further action was taken.
31 December 1986	Security forces shot dead eight Tamil farmers during a search operation at Pankulam in Trincomalee District and burned the bodies.	No inquiry.
28 January 1987	More than 150 Tamils were killed during a military operation by the STF at Kokkaddichcholai in Batticaloa District.	No inquiry.
23 January 1990	Thirteen Tamil refugees fleeing to India were shot dead by the navy near Jaffna.	No inquiry.
5 July 1990	The security forces killed 38 Tamil civilians at 4 th Colony in Amparai District.	No inquiry.
2 August 1990	120 Tamils taken into custody by the army from a refugee camp at Pottuvil in Amparai District disappeared.	No inquiry.
5 September 1990	158 Tamils taken into custody by the security forces from the Vantharumoolai refugee camp in Batticaloa District disappeared.	No inquiry. The Ministry of Defence claimed on 17 October 1990 that only 31 people were arrested and later released.
9 October 1990	Twelve civilians were killed at the Jaffna market when a helicopter fired on them.	No inquiry.
12 October 1990	The STF shot dead 30 civilians at	No inquiry.

	Karaitivu in Amparai District.	
3 March 1991	After assassination of Defence Minister Ranjan Wijeratne, the air force bombed Chunnakam, Kokkuvil, Chavakachcheri and Jaffna town killing 30 Tamil civilians	No inquiry.
30 March 1991	Police officers went on the rampage at Iruthayapuram in Batticaloa District and hacked to death 11 Tamil farmers.	No inquiry.
12 June 1991	In a deliberate retaliatory attack, the army killed 185 Tamils at Kokkaddicholai in Batticaloa District.	The government set up a three-man Commission of Inquiry which heard evidence from 29 July 1991. The Commission suspended hearings and there was no further progress.
29 April 1992	Following the massacre of 57 Muslim civilians, Home Guards killed 85 Tamil villagers in Karapola and Muthugala in Batticaloa District.	The three-man committee headed by Appeal Court judge DG Jayalath said that the Home Guards were responsible and submitted report Defence Ministry. The government failed to take any action against the Home Guards.
18 May 1992	25 Tamil civilians were killed in army shelling of Vatrpalai Amman temple in Mullaitivu District during a festival.	No inquiry.
27 May 1992	The air force bombed Valvettithurai in Jaffna killing 12 civilians.	No inquiry.
29 May 1992	The air force bombed the Thurkaiamman temple at Tellippalai in Jaffna killing five refugees and wounding 125.	No inquiry.
9 August 1992	The army massacred 39 Tamils, including nine children, at Mylanthanai in Trincomalee District.	There has been no progress in the court case.
19 October 1992	Ten Tamil youths were killed in custody by the army. They had been arrested at Vellaveli in Batticaloa District.	Defence Secretary Cyril Ranatunge promised an inquiry. But no further action was taken.
January/February 1993	Over 100 Tamil civilians attempting flee the Jaffna peninsula to the mainland by boats were killed by the navy in several attacks during the months.	No inquiry.
6 January 1993	The air force attacked Jaffna, killing nine civilians and injuring 16 at Sithankerni.	No inquiry.
26 July 1993	The air force bombed Thirunelveli, Kopai and Irupalai in Jaffna District killing 12 civilians, including four children	No inquiry.
13 November 1993	The air force bombed St James' church at Gurunagar in Jaffna, killing 19 people and injuring 43.	No inquiry was held despite appeals to President d B Wijetunge by Jaffna Bishop Thomas Soundaranayagam.
5 December 1993	The air force bombed Jaffna town killing 26 civilians and wounding 71.	No inquiry.
20 July 1994	The air force bombed Valvettithurai in Jaffna killing three civilians and injuring 15 others.	No inquiry.

15 August 1994	Five people were killed and 25 were wounded in air force attacks at Atchuveli in Jaffna.	No inquiry.
1995	The bodies of 35 Tamils were found in lakes and rivers in around Colombo. They had all been killed by strangulation at the STF headquarters.	22 policemen arrested for the murders were granted bail and returned to active duty. There has been no progress in the case.
30 April 1995	The Army fired shells in Jaffna killing seven civilians and damaging the Thondamanaru Selvachannathy temple.	No inquiry.
9 July 1995	The air force bombed St Peter and Paul's church at Navaly in Jaffna killing 65 civilians and wounding more than 150.	Foreign Minister Lakshman Kadirgamar censured the ICRC for releasing information about the deaths. President Chandrika Kumaratunge promised an inquiry, but no further action was taken.
21 August 1995	The army killed 13 civilians and injured 19 others in military operation <i>Dragonfly</i> in Jaffna.	No inquiry.
21 September 1995	The air force bombed school at Nagarkovil in Jaffna killing 34 students and injuring over 150.	No inquiry.
5 December 1995	After an LTTE attack, the army shot dead 30 civilians in a bus at Puthukudyiruppu in Batticaloa District.	No inquiry.
11 February 1996	Following the killing of two soldiers, the army massacred 24 Tamils, including 13 women and nine children at Kumarapuram in Trincomalee District.	A military court found 14 soldiers guilty and the Attorney General filed indictment against them. The case has still not been concluded.
1996	After the army captured Jaffna, more than 400 Tamils disappeared.	The military and the Defence Ministry carried out investigations. The government refused an independent inquiry. Some bodies were found in mass graves at Chemmani in ----. No action has been taken to apprehend the perpetrators
16 March 1996	After the LTTE sank a naval vessel, air force helicopters attacked Nachchikudah in Mannar District killing 15 Tamil civilians and injuring over 60.	No inquiry.
24 July 1996	Seven Tamil civilians were killed in air attacks at Mallavi in Mullaitivu District.	No inquiry.
14 May 1997	19 Tamil civilians were killed at Nedunkerni in Vavuniya District in air force attacks.	No inquiry.
15 July 1997	After three soldiers were killed, the security forces ran amok at Puthukudyiruppu in Batticaloa District burned 87 houses and damaged another 30.	No inquiry.
15 August 1997	Air force bombing killed six Tamil refugees and wounded 17 others at Vavunikulam in Kilinochchi District.	No inquiry.
23 September 1997	Police and Home Guards attacked 4 th Colony in Amparai District killing six	Deputy Defence Minister Anuruddha Ratwatte promised

	Tamil civilians and burned 66 houses.	stern action, but no action was taken.
1 February 1998	Eight Tamil civilians were killed by police and Home Guards at Thambalakamam in Trincomalee District.	No inquiry.
August 1998	Six civilians were killed by the army at Uyilankulam and Ketpali.	No inquiry.
Nov/Dec 1998	Fifteen civilians were killed air force attacks at Kokkavil and Mulliyavalai in Mullaitivu District.	No inquiry.
9 December 1998	Six Muslim civilians were killed by the army at Punanai in Batticaloa District.	The local MP demanded an inquiry but no action was taken.
12 March 1999	Following the death of a policeman in an LTTE attack, policemen ran amok in Valaichenai, Batticaloa District and wounded 25 Tamil civilians.	No inquiry.
25 April 1999	After an LTTE attack on police, the army shelled Eravur killing two civilians, wounding ten, and damaging eight houses.	No inquiry.
19 July 1999	After the LTTE killed a soldier, soldiers ran amok shooting and injuring 14 Tamil civilians and burning eight houses.	Rs 10,000 compensation was paid for loss of each house, but no action was taken against the perpetrators.
15 September 1999	The air force bombed Puthukudyiruppu market in Mullaitivu District and killed 21 Tamil civilians and injuring 35 others.	No inquiry.
9 October 1999	Six Tamils were killed by the army at Arugaveli in Jaffna District.	No inquiry.
3 November 1999	Air force bombs killed six people at Palliyady in Mullaitivu District.	No inquiry.
20 November 1999	38 civilians, including 13 children, were killed and 57 were wounded by shells fired on Madhu church in Mannar.	No inquiry.
17 May 2000	Security forces shot dead nine children and wounded 20 others in Batticaloa town.	No inquiry.
25 October 2000	27 Tamil youths in a rehabilitation centre at Bindunuwewa in Badulla District were killed by a Sinhalese mob in the presence of policemen.	Five people, including two police officers, were sentenced to death by the High Court on 1 July 2003. On appeal. But the Supreme Court acquitted them on 27 May 2005 citing lack of evidence.
19 December 2000	Eight Tamil civilians were murdered by soldiers and their bodies were buried at Mirusuvil in Jaffna.	
21 March 2001	The air force bombed Chundukulam, Puthumathalan, Kurusady and Nallathanninthoduvai in Kilinochchi District killing 13 civilians, wounding 24 others and damaging 320 houses.	No inquiry.
28 July 2002	Police opened fire on demonstrators at Vellaveli in Batticaloa District and wounded four Tamil people.	No inquiry.

16 August 2002	Navy personnel attacked civilians on Kayts Island in Jaffna District injuring seven Tamil civilians.	No inquiry.
9 October 2002	The STF fired on demonstrators at Kanchirankudah in Amparai District, killing seven Tamil civilians and injuring 13 others.	Inquiries were launched by the Sri Lanka Monitoring Mission (SLMM) and the Sri Lanka Human Rights Commission (SLHRC), and the Defence Minister appointed a committee headed by retired judge Oliver Weerasena. But no action was taken to bring the offenders to book.
10 December 2002	The army fired on demonstrators at Nelliady in Jaffna and injured nine Tamil civilians.	No inquiry.
13 June 2006	Twelve Tamils were massacred by the navy at Allaipiddy on Kayts Island in Jaffna District.	The police have so far not carried out any investigation despite a pledge by President Rajapakse. They have also failed to submit an investigation report to the court. Despite a court order, the police have refused to hold an identification parade and have failed to protect the witnesses.
17 June 2006	The navy threw a grenade and fired into St Mary's church at Pesalai in Mannar District where 3,000 people had taken refuge, killing one person and injuring 47 people.	No action has been taken by the government so far.
7 August 2006	17 Tamil aid workers French agency Action Against Hunger were shot dead at Muthur in Trincomalee District.	The government denied involvement, but the SLMM said on 30 August 2006 that security forces responsible for the massacre.
14 August 2006	The air force bombed a children's centre in Mullaitivu District killing 60 children and injuring 150.	The government says that it was an LTTE military training centre and that children will be targeted because they carry arms. UNICEF has confirmed that the children were killed while attending a health training course.