

Danish Immigration Service

Report on the fact-finding mission to Sri Lanka

August 1997

Copenhagen, August 1997



LIST OF CONTENTS

INTRODUCTION.....3

 BACKGROUND.....3

 TERMS OF REFERENCE3

 FINDINGS7

INVESTIGATE THE SECURITY SITUATION IN GOVERNMENT-CONTROLLED TERRITORY (GCT) IN SRI LANKA.....8

 A. INVESTIGATE THE SECURITY SITUATION FOR TAMILS IN COLOMBO8

 B. WHAT IS THE CURRENT EXTENT OF GOVERNMENT-CONTROLLED TERRITORY?23

 C. IS THE SECURITY SITUATION SIMILAR THROUGHOUT GCT OR ARE THERE REGIONAL DIFFERENCES?23

 D. HOW ARE THE STRENGTH OF THE LTTE AND THE CONFLICT BETWEEN THE LTTE AND GOVERNMENT FORCES ASSESSED FOLLOWING THE CONQUEST OF JAFFNA?24

 E. HOW ARE THE LTTE'S CURRENT ABILITY AND RESOLVE TO SEEK OUT AND PUNISH ITS OPPONENTS AND DEFECTING SUPPORTERS/MEMBERS ASSESSED?25

 F. WHAT IS THE TYPICAL PATTERN FOLLOWED BY A ROUND-UP?25

 G. HOW IS DEPARTURE FROM LTTE-CONTROLLED TERRITORY INTO GCT CONTROLLED BY THE LTTE AND THE ARMED FORCES RESPECTIVELY?26

II. INVESTIGATE OBSERVANCE OF HUMAN RIGHTS AS REGARDS PERSONAL LIBERTY.....30

 A. WHAT EMERGENCY REGULATIONS (ER) ARE CURRENTLY IN FORCE, HOW ARE THEY ADMINISTERED AND ARE THEY APPLICABLE THROUGHOUT GOVERNMENT-CONTROLLED TERRITORY?30

 B. HOW IS THE PREVENTION OF TERRORISM ACT (PTA) APPLIED?33

 C. WHAT POWERS DOES THE HUMAN RIGHTS TASK FORCE CURRENTLY HAVE WITH REGARD TO THOSE DETAINED UNDER THE ER OR THE PTA?37

 D. HOW MANY PEOPLE ARE AT PRESENT IN DETENTION UNDER THE ER OR THE PTA39

 E. ARE ALL DETAINEES NOW HELD IN THE NORMAL PRISON SYSTEM OR ARE THERE OTHER KINDS OF DETENTION CENTRE?40

 F. DO PEOPLE "DISAPPEAR" AND/OR DIE IN CUSTODY UNDER SUSPICIOUS CIRCUMSTANCES?40

 G. ARE THERE ANY EXAMPLES OF PEOPLE HELD IN CUSTODY BEING FOUND MURDERED?41

 H. ARE THOSE ARRESTED IN DANGER OF BEING TORTURED BY THE AUTHORITIES AND, IF SO, IS THE RISK EQUALLY GREAT THROUGHOUT GOVERNMENT-CONTROLLED TERRITORY AND IRRESPECTIVE OF THE AUTHORITY INVOLVED? ...43

 I. DO THE AUTHORITIES INVESTIGATE AND PROSECUTE CASES IN WHICH MEMBERS OF THE AUTHORITIES MAY BE SUSPECTED OF ATROCITIES SUCH AS RAPE AND MURDER? HAVE MEMBERS OF THE AUTHORITIES BEEN CONVICTED IN SUCH CASES AND, IF SO, HOW WERE THEY SENTENCED?46

 J. ARE PEOPLE SUSPECTED OF HAVING ASSISTED THE LTTE, WITHOUT BEING MEMBERS, PROSECUTED? IF SO, DO PROCEEDINGS MEET INTERNATIONAL STANDARDS FOR A FAIR TRIAL AND WHAT PENALTY IS LIKELY?49

III. HOW DO THE AUTHORITIES AND THE UNHCR RESPOND TO AMNESTY INTERNATIONAL'S AUGUST 1996 REPORT "WAVERING COMMITMENT TO HUMAN RIGHTS"51

IV. WHAT FORM DOES THE PASSPORT-ISSUING PROCEDURE CURRENTLY TAKE IN SRI LANKA?53

V. HOW IS DEPARTURE CONTROL ORGANIZED AT COLOMBO AIRPORT?55

VI. HOW IS ENTRY CONTROL ORGANIZED AT COLOMBO AIRPORT?59

VII. LIST OF ANNEXES62

 ANNEX 164

 ANNEX 1470



INTRODUCTION

Background

From 21 February to 7 March 1997 the Danish Immigration Service and the Danish Refugee Council jointly visited Sri Lanka to investigate some matters of relevance for asylum purposes; the delegation's joint report is set out below.

Given the way in which its terms of reference were framed with particular reference to conditions for Tamils in Colombo, the delegation opted to stay there for the entire mission. Information was gleaned from meetings held both with representatives of the Sri Lankan authorities and with independent sources. All interviews took place in English without interpreters.

A list of meetings held, showing at what level, will be found in Annex 1. It should be pointed out here that some of the independent sources wished to remain anonymous, in the interests of their relations with the Sri Lankan authorities, and this was agreed to. All sources were selected by the delegation itself in the desire to piece together a broad-based spectrum of information on conditions.

One source who was asked for a meeting, a judge at the Supreme Court, did not wish to meet the delegation.

It should also be noted that: the delegation was well received everywhere; it was able to move about freely throughout the visit; and it did not have the feeling of being watched.

Terms of reference

After discussions with the Refugee Board, the Ministry of Foreign Affairs and the Police Force, the following terms of reference were established by the Danish Immigration Service and the Danish Refugee Council:



1. Investigate the security situation in government-controlled territory (GCT) in Sri Lanka

- (a) *Investigate the security situation for Tamils in Colombo*
 - 1. *What is the significance of the national identity card?*
 - 2. *Is a national identity card sufficient for residence in Colombo, or what is required?*
 - 3. *Are Tamils subject to special checks and, if so, on what scale and how intensively (e.g. are private homes and boarding houses searched)?*
 - 4. *Are there any checkpoints in Colombo and, if so, where, how many and for what purpose?*
 - 5. *Is it sufficiently suspicious to warrant detention for a Tamil, for instance, to come from Jaffna or have relatives in the LTTE?*
- (b) *What is the current extent of GCT?*
- (c) *Is the security situation similar throughout GCT or are there regional differences?*
- (d) *How are the strength of the LTTE and the conflict between the LTTE and government forces assessed following the conquest of Jaffna? How are the LTTE's current ability and resolve to seek out and punish its opponents and defecting supporters/members assessed?*
- (e) *Do the PLOTE, the TELO, the EPDP or other Tamil groups opposed to the LTTE play any part in the government security apparatus and, if so, what?*
- (f) *What is the typical pattern followed by a round-up?*
 - 1. *Are arrest papers issued in every case?*
 - 2. *Are next-of-kin informed in every case?*
 - 3. *Is the HRTF informed in every case?*
 - 4. *What authority or authorities carry out round-ups?*
 - 5. *Do round-ups follow the same pattern throughout GCT?*
 - 6. *Are discharge papers issued to people detained in round-ups in all cases?*
- (g) *How is departure from any LTTE-controlled territory into GCT controlled by the LTTE and the armed forces respectively?*



2. Investigate observance of human rights as regards personal liberty

- (a) *What Emergency Regulations (ER) are currently in force, how are they administered and are they applicable throughout government-controlled territory?*
- (b) *How is the Prevention of Terrorism Act (PTA) applied?*
- (c) *What powers does the Human Rights Task Force currently have with regard to those detained under the ER or the PTA?*
- (d) *How many people are at present in detention under the ER or the PTA?*
- (e) *Are all detainees now held in the normal prison system or are there other kinds of detention centre?*
- (f) *Do people "disappear" and/or die in custody under suspicious circumstances?*
- (g) *Are there any examples of people held in custody being found murdered?*
- (h) *Are those arrested in danger of being tortured by the authorities and, if so, is the risk equally great throughout government-controlled territory and irrespective of the authority involved?*
- (i) *Do the authorities investigate and prosecute cases in which members of the authorities may be suspected of atrocities such as rape and murder? Have members of the authorities been convicted in such cases and, if so, how were they sentenced?*
- (j) *Are people suspected of having assisted the LTTE, without being members, prosecuted? If so, do proceedings meet international standards for a fair trial and what penalty is likely?*

3. How do the authorities and the UNHCR respond to Amnesty International's August 1996 report "Wavering Commitment to Human Rights"?

4. What form does the passport-issuing procedure currently take in Sri Lanka?

- (a) *Why was the procedure changed in spring 1996?*
- (b) *Is it possible to apply for and obtain genuine passports on other people's behalf?*
- (c) *Are there any known instances of genuine passports being issued on the basis of false papers?*



- (d) *Can wanted persons legally obtain passports?*
- (e) *Are there any known instances of genuine passports being issued through bribery?*
- (f) *Are there any reports of the issue of false passports?*

5. How is departure control organized at Colombo airport?

- (a) *How is departure control carried out?*
- (b) *Were any people caught trying to leave on a false passport in 1996?*
- (c) *What kinds of forgeries have been detected?*
- (d) *Do those holding false papers usually leave the country alone or in groups?*
- (e) *Have any "couriers" been caught in connection with departures using false passports?*
- (f) *What is the security situation like around the airport area?*
- (g) *Is any exit permit required in order to leave the country?*
- (h) *Are there any known examples of people managing to bribe their way through departure control?*

6. How is entry control organized at Colombo airport?

- (a) *What is the control procedure for returning Tamils with or without passports/repatriation documents?*
- (b) *Are returning Tamils in danger of being detained upon entry and, if so, for how long and on what grounds?*
- (c) *What is the procedure for returning Tamils not in possession of national identity cards or other identification papers?*



- (d) *Are records kept of Tamils returning to Sri Lanka?*
- (e) *Do returning Tamils need a residence permit to stay in Colombo and, if so, for how long is one issued?"*

Findings

The delegation's findings are given below, in the same order as its terms of reference. For convenience, however, points 1(a)(3), 1(a)(4) and 1(f) have been combined in section I.A.3. Point 1(a)(5) in the terms of reference, moreover, has been dealt with generally in section I.A. Lastly, point 1(d) in the terms of reference has been subdivided into sections I.D and I.E of the delegation's report and point 1(e) in the terms of reference addressed in section I.A.4 of the report.



INVESTIGATE THE SECURITY SITUATION IN GOVERNMENT-CONTROLLED TERRITORY (GCT) IN SRI LANKA

A. Investigate the security situation for Tamils in Colombo

1. What is the significance of the national identity card?

All of those interviewed by the delegation agreed that it was vitally important to be able to produce evidence of identity to the authorities upon demand and that the national identity card was the surest document with which to do so for most ordinary people.

One of those interviewed by the delegation, a Tamil from Jaffna, explained that all Sri Lankans are as a rule issued with a national identity card upon reaching the age of 18. The identity card is issued by the registry office (the Registrar of Persons) on the basis of a person's birth certificate. The identity card shows the name, date of birth and place of birth, but not race or religion.

Several interviewees said that people born in Colombo were in practice regarded as permanently resident there, just as people born in Jaffna, say, were regarded as permanently resident there, even though they might have lived in Colombo for many years. Residence was of relevance for identity card purposes if the card was lost and a new one had to be issued.

According to a number of organizations, the general procedure was for the loss first to be reported to the police and the police report and birth certificate then to be brought to the registry office in order to have a new identity card issued. Lawyers belonging to the MIRJE pointed out that this could in itself pose problems for Tamils since in such a situation the police would consider the person to be suspicious. Anyone losing his identity card in Colombo but not permanently resident there was required, in addition to the police report and birth certificate, also to produce a declaration by the local official for the district from which he originated. That official (the Gramasevaka) was described as a village headman, coming under the senior local official (the Government Agent). The declaration would state that the person was known to the local authorities and his personal particulars tallied with those registered locally.



Both the police and NGOs stated that there were no special emergency procedures for people from areas controlled (or up until recently controlled) by the LTTE. A Gramasevaka and a Government Agent also operated in such areas (in Mullaittivu, Kilinochchi and Vavuniya).

One of those interviewed by the delegation, a Tamil from Jaffna living in Colombo for the last eight years, thought it necessary to obtain a declaration from the Gramasevaka for the place of origin only if no longer in possession of a birth certificate. That Tamil (who wished to remain anonymous) had himself applied for a new identity card in Colombo as the old one was falling apart, but after a wait of two years had still not been issued a new one. In his own view, his application had been mislaid and he would therefore need to reapply. In the meantime he made do with his driving licence, his staff pass (from an international organization) and/or his passport.

The delegation also talked to a Tamil lawyer from the organization MIRJE who had lost his identity card and could not get a new one issued in Colombo, even though he had lived there for many years. He too could manage, by showing his pass from the Law Society. In both cases, the reason why it was possible to get by was that the passes were issued by an international organization and by the Law Society respectively.

The UNHCR did not think there would be any problem in getting a new identity card issued in Colombo, even for anyone originating from, say, Jaffna.

In accordance with the special agreement concluded between Switzerland, Sri Lanka and the UNHCR, special conditions applied for Sri Lankans expelled from Switzerland to Sri Lanka. Under that agreement, the social authorities (the Ministry of Rehabilitation, Reconstruction and Social Welfare) assisted expelled asylum seekers in obtaining a new identity card (if they have lost the original one) within a few weeks, without any need for them to return to their place of origin in search of the relevant declaration from the local authorities. The authority responsible under the Ministry (the REPPIA) thought the agreement was working well. Even though there was no similar agreement between Denmark and Sri Lanka, the offer was made that any asylum seekers expelled from Denmark who had problems over their identity card could approach that authority. It was not, however, entirely clear whether it would be possible for a new identity card to be issued with REPPIA assistance in all cases or how long this would take, if so.



Several interviewees stated that the identity card had to be shown in all contacts with the authorities. This applied in particular at checkpoints and for access to official buildings where they might be a security risk. It would as a rule be possible to see from the name whether a person was Tamil, Sinhalese or Muslim. The Institute of Human Rights pointed out here that some Tamils changed their names so as not to be identifiable as Tamils and consequently face problems. Moreover, as stated above, the card would show where the holder was born.

The general view among those interviewed by the delegation was that people without identity cards would be in considerable danger of being detained at checkpoints until their identity could be established. This could be done either by producing other documents, e.g. a passport, birth certificate or staff pass, or by having relatives come to the police station to identify them. For anyone not in possession of other documents, without any relatives in Colombo or speaking only Tamil, identification could be difficult.

A general identity check could take from 24 to 48 hours, during which time the person would be held at a police station. The general view among all those interviewed by the delegation was that anyone with a Sinhalese or Muslim name was unlikely to face further questioning at a checkpoint.

Some of the NGOs thought that the mere fact of a person's identity card showing him to be a Tamil could be sufficient reason for the authorities to detain him at a checkpoint in order to ascertain whether he had any links with the LTTE.

Other NGOs thought that only Tamils born in Jaffna could be regarded as forming a particular target group (for further details, see under checkpoints).

2. Is a national identity card sufficient for residence in Colombo, or what is required?

In accordance with the Sri Lankan constitution, all citizens are free to move throughout the territory. This also applies to people wishing to take up residence temporarily or more permanently in Colombo. Under ER No 4/94, as amended on 21 September 1995 (see Annex 2), the local police



officer in charge could require anyone not permanently resident in his district to be registered with the police. Such registration included the name, date and place of birth, identity card number and probable length of stay. In practice that regulation had led all Tamils wishing to spend the night in Colombo, whether just for one night or more permanently, to register with the police as a safety precaution.

Despite the fact that, according to the MIRJE, the Inspector-General of Police had officially stated that it was not necessary to register, registration was generally believed to be a requirement. Although the regulation was basically applicable to all, it was in practice only Tamils who registered with the police. A lawyer from the MIRJE pointed to a dilemma involved here, as the police thus became aware that people were Tamils since only Tamils observed the regulation.

It was the main householder who was responsible for registering a visitor. In practice this meant either the landlord or the tenant of a private residence, or the proprietor of the hotel or boarding house stayed at. The visitor was then given a copy of the registration to produce if stopped and checked. The local police would often require the visitor to report to the police station in person for registration.

The Institute of Human Rights knew of some police stations requiring those seeking registration to produce a letter from a justice of the peace showing them to be known to him. Neelan Tiruchelvam, a Member of Parliament for the opposition TULF party, said that some Tamils had been asked to produce photographs in order to register at the local police station.

INFORM knew of five or six cases in which a family's property had been confiscated under ER No 1/95 of 30 October 1995 (Annex 3) for failing to register a visiting Tamil who subsequently proved to have links with the LTTE. One of the cases involved a Sinhalese family and the others Tamil families.

According to the Swiss aliens attaché, asylum seekers expelled from Switzerland living in the special boarding house run by the Sri Lankan Red Cross were not registered with the police, but there was a tacit agreement between the Red Cross and the police that names would be supplied if the police so requested in special cases.



A number of the MIRJE's lawyers knew of instances of Tamils from the north of the country, i.e. northwards of Vavuniya, being told, on registering with the police, that they could stay in Colombo for only, say, a week. The organization was not aware of any similar requirements being imposed on Tamils coming to Colombo after having stayed abroad and this was not thought to be the case. There was no basis for such treatment either in legislation or in the ER. In the cases in question those concerned had subsequently registered in another police district so as to avoid any harassment by the police if they overstayed the time limit set.

None of the interviewees knew of any cases of families from the north being forced to leave Colombo.

The REPPIA pointed out that there were no special assistance programmes for internal displaced persons in Colombo. Most such people got by either with assistance from relatives in Colombo or on remittances from relations abroad. According to the REPPIA, the local authorities in Colombo took the view that only those permanently resident in Colombo were entitled to assistance.

Living conditions for Tamils in Colombo

The Swiss Aliens Attaché reported that mixed marriages between Tamils and Sinhalese remained common and the mayor of Colombo was a Tamil. Education was free and Colombo had both private and state schools teaching in Tamil. At university level, too, tuition was given in Tamil, Sinhalese and English, albeit not for all courses of study.

Most interviewees among the NGOs thought that it could be hard for a Tamil from the northern part of the island who had just arrived in Colombo to find work and a place to live. Some boarding houses would accept Tamils from the north only if they could supply references from relations or friends permanently resident in Colombo. Both INFORM and the Centre for Society and Religion thought that it was possible to live in a boarding house even without references, but this was more expensive than living in private accommodation.



Most Tamils would only be able to find work with a Tamil employer, since a Sinhalese employer would fear problems with the authorities should Tamils have links with the LTTE. According to the Association for the Protection of Tamils and the REPPIA, Tamil employers might also be reluctant to employ unknown Tamils from the northern part of the country on account of the attendant risk of problems.

INFORM pointed out that many of the young men coming to Colombo either from the north of the country or from abroad were from rural areas and that could also make it hard for them to find their feet in a large city like Colombo.

None of those interviewed by the delegation had been contacted by or received information about any of the asylum seekers expelled from Denmark, apart from the Chitra case widely covered in the Sri Lankan press. The Danish Consulate-General in Colombo said it had been contacted by two expelled Tamils. One reported difficulties with the authorities and the other was looking for his identity card.

The Sri Lanka Foundation reported that, owing to difficulties in finding accommodation, landlords made Tamils pay higher rents. The MIRJE said that once someone had been arrested a few times it would prove almost impossible to find a place to live.

The UNHCR thought that many Tamils in Colombo had no work and were therefore supported by relatives. According to the representative of one international organization, about 70% to 80% of Jaffna Tamils in Colombo received money from abroad as their sole source of income.

The Centre for Society and Religion mentioned that, although most public signs in Colombo were given in Sinhalese, Tamil and English, bus signs were in Sinhalese only.

The Inspector-General of Police pointed out that there were fewer Tamils living in the north and east of Sri Lanka than in the rest of the country and that Colombo was the Sri Lankan city with the largest Tamil population.



3. Are Tamils subject to special checks and, if so, on what scale and how intensively (e.g. are private homes and boarding houses searched)?

All interviewees were able to report that everyone in Sri Lanka was subject to checks on account of the security situation obtaining.

The measures involved included checkpoints on public thoroughfares, round-ups, searches of premises and searches of vehicles for any weapons and/or bombs. However, Tamils formed the prime target for such checks.

The intensiveness of checks depended on whether in the authorities' view an attack by the LTTE was imminent or one had just taken place. Most interviewees accordingly reported that the situation in Colombo had been very tense immediately after about 100 people were killed by a bomb at the central bank in Colombo's financial district in January 1996 and after a similar number were killed by a bomb in a train in July 1996. In the period following those events, the authorities were on maximum alert and all of the checks in question were put into effect. After a while, the tension subsided again, relatively speaking. Even after attacks in Jaffna or other parts of the country, checks in Colombo were stepped up.

The Centre for Society and Religion explained that checks were tightest for people travelling from Batticaloa, Anuradhapura or Trincomalee, in particular, by bus to Colombo, where more often than not everyone would be checked on account of the risk of the LTTE attempting to infiltrate a suicide squad into Colombo.

The Family Rehabilitation Centre knew of cases of young Tamil men in Colombo being required to report to the police weekly.

Checkpoints

There are very many checkpoints, both fixed and mobile ones, in Colombo. None of the interviewees could say how many there were at any time. Such checkpoints could be manned by the police, the army, the air force or the navy. Owing to the offensive against the LTTE in the north, some checkpoints were staffed by women. Checkpoints were located both on ordinary roads and at



strategic points such as the airport, military installations, private homes of influential people (Tamils, Sinhalese and Muslims alike) and the docks. Some major roads in Colombo were closed at 19.00 or 21.00 so as to save on manpower at checkpoints on those stretches.

According to both the authorities and private organizations, the main purpose of checkpoints and the other checks carried out was to detect people either belonging to or working for the LTTE. In addition, some political violence unrelated to the LTTE also took place in the run-up to the local elections on 21 March 1997.

At a checkpoint, everyone stopped was asked to show his or her identity card (as mentioned in 1 above). If the name showed the person to be a Tamil, in some NGOs' view, this would in itself be sufficient for him to be questioned further. Other NGOs thought that only Tamils born in Jaffna risked further questioning. Some NGOs pointed out that young Tamil men and women, especially, formed a particularly vulnerable group and others took the view that Tamils from the lower social classes were at greater risk of further interrogation than middle-class Tamils.

The Family Rehabilitation Centre, for instance, said that in the past only unemployed young Tamil men had risked arrest, but Tamils from better social backgrounds were now also at risk. An example given was of a 60-year old woman who had been detained for three weeks in Colombo (Cinnamon Garden police station). Having said that, if a young man had a job in Colombo, he would not normally be harassed by the police.

INFORM thought that it was a coincidence that some people were detained several times for identity checks, but this contributed to a general feeling of insecurity among Tamils in Colombo.

The Centre for Society and Religion made the point that priests could also attract suspicion, as some priests had tried to take prohibited items (not arms) into LTTE-controlled areas. This applied regardless of whether the priest was Tamil or Sinhalese. It thought that problems would arise only for anyone not observing the rules, e.g. anyone not carrying his identity card, but the fact of coming from Jaffna was not a problem in itself.



Deepika Udagama, the Director of the Centre for the Study of Human Rights at Colombo University, took the view that the police and the armed forces generally saw every Tamil man stopped by them at a checkpoint as a potential LTTE member. She made the point that social class was also a factor here and that women, too, had recently been suspected of LTTE activism.

The Home for Human Rights regarded it as a problem *per se* if a Tamil stopped at a checkpoint did not speak any language other than Tamil. A human rights campaigner expressed the view that even middle-class Tamils from Colombo might be harassed at checkpoints, but a colleague of his did not think that to be the case. Both agreed, however, that Tamils would be detained if there was anything unusual or suspicious about their identity cards. MIRJE lawyers considered that the police and armed forces in Colombo regarded all Tamil men as potential LTTE members. This applied especially if a young man was out of work or a student, or if he had just come from the north of the country.

The Institute of Human Rights pointed out that some Tamils were arrested solely on grounds of their race and Tamils could be arrested even if their papers were in order. Having said that, it believed conditions in this respect to have improved in Colombo.

Neelan Tiruchelvam reported that all Tamils, even middle-class ones, faced harassment at checkpoints, but he was particularly concerned for the safety of young men.

A number of organizations explained how Tamils not originating from Colombo would be questioned about the purpose of their stay in Colombo and whether they were registered with the local police. If the police officer at a checkpoint (or the soldier, where a particular checkpoint was manned by the army) became suspicious for any of the above reasons, they could be arrested and taken to the nearest police station. Anyone arrested by the armed forces had to be handed over to the police within 24 hours (for further details, see section II.A).

To one NGO's knowledge, out of 570 people detained in Colombo over the period from March 1996 to February 1997, 137 had been arrested by the armed forces. The HRTF reported in this connection that neither the HRTF nor the ICRC had access to anyone arrested at a checkpoint by the



armed forces and taken to a military camp until such time as he was handed over to the police. A person might therefore be reported missing during that time.

All interviewees agreed that the vast majority of those arrested at a checkpoint for further identification or investigation were released within 24 hours and in a few cases within 48 hours. The general view among NGOs was that there was no risk of physical mistreatment at a checkpoint, although some Tamils pointed out that the language barrier between a Tamil (often speaking only Tamil if from the north) and a police officer or soldier (usually speaking only Sinhalese) could result in the Tamil being treated in an arrogant and intimidating manner.

Various organizations and Neelan Tiruchelvam made the point that the deep mistrust of Tamils came through in such a way that Tamils felt they were being harassed at checkpoints.

A representative of the Association for the Protection of Tamils explained that his wife felt she was being harassed at checkpoints because she was easily identifiable as a Tamil owing to the caste mark on her forehead, whereas he himself rarely had any problems because his staff pass showed him to work for a bank.

A Tamil wishing to remain anonymous took the view that many people were arrested and detained by the police for the sole purpose of blackmailing their family into paying bribes to have them released. According to a number of interviewees, common knowledge that many of the Tamils living in Colombo received money from relations abroad made them soft targets for that kind of blackmail by the police.

Round-ups

According to the Aliens Attaché from the Swiss embassy, many round-ups took place in the eastern part of the country. They were usually carried out by the armed forces and/or the STF. All men between the ages of 16 and 40 in a given village would be rounded up and taken to the nearest military or STF camp. Female relatives often went along too in order to identify members of their family and make sure they were not taken off to some other (unknown) whereabouts. According to the Aliens Attaché, round-ups were carried out in order to keep a constant check on who was living



in a village and thereby discover if the LTTE had been able to infiltrate the area. The Aliens Attaché was unclear as to how long people were usually detained in such situations.

In Colombo, security is basically the responsibility of the police, assisted by the armed forces. According to most organizations, round-ups were commonly carried out in Colombo, especially after a bomb or similar occurrence. As there had been nothing of the sort in Colombo since the train bomb in July 1996, most organizations agreed that not so many round-ups were now being carried out.

Both representatives of the HRTF and two other human rights campaigners (not speaking on behalf of their NGOs in this respect) said that an average of one round-up a week took place in Colombo, whereas in the REPPIA's view there were an average of two round-ups a month in Colombo at present. An example it gave was of a girl having recently taken a cyanide pill on being arrested at a checkpoint and the police thereupon rounding up everyone living at the same boarding house as well as a number of others living in surrounding houses.

The Association for the Protection of Tamils gave the following version of the same incident. The young girl was about to travel to Germany, where she was engaged to be married. Since, according to the organization, she had been found dead in a police cell a few hours after being arrested, it was not thought that she could have taken the pill herself, as a member of the LTTE would have done so immediately on being arrested. It was also felt not to ring true that the police should not have discovered the pill straight away if they suspected her of being a member of the LTTE.

According to the HRTF, round-ups were carried out in order to check whether there were any new arrivals in the area who had not been registered with the police. The head of an international NGO had the impression that more round-ups were carried out in poor areas than in better-off ones. The reason for this, in his view, was that the police were more inclined to suspect poor Tamils than middle-class ones of supporting the LTTE. He also thought it would be easier for middle-class Tamils to buy their way out of any problems. Both the MIRJE and the HRTF, moreover, mentioned that the general public would often notify the police if any newcomers had moved into the neighbourhood.



The delegation itself saw a spot on the national television station warning people not to harbour total strangers as they might be LTTE members meaning to plant a bomb or whatever in Colombo. According to the Association for the Protection of Tamils, such government campaigns helped step up suspicion of Tamils among the Sinhalese population.

In a round-up, everyone would be asked to show an identity card and, if this showed them to be from Jaffna, they would also, according to a number of organizations, have to show their police registration and explain their reasons for being in Colombo. As an example, the HRTF mentioned that 15 to 25 people had been arrested in a round-up in Colombo the evening before the delegation's meeting with the HRTF.

Lawyers from the MIRJE described a round-up as the police "dragnetting" an area. The vast majority of those arrested were released within 24 to 48 hours, but according to the MIRJE one in ten risked being held in custody for longer either under ordinary legislation or under the PTA/ER.

The Institute of Human Rights made the point that houses belonging to Sinhalese were also searched in a round-up and it knew of an instance of Sinhalese domestic staff being harassed by the police because they were not carrying their identity cards. However, it did not think that Sinhalese would be arrested unless there were grounds for suspecting them of having committed an offence.

Several organizations pointed out that it was not always clear whether the police were acting under ordinary legislation or under the PTA or ER when they arrested someone in a round-up or at a checkpoint. As a rule all arrests were entered in a register at the police station, but the HRTF knew of cases in which people were not registered and not held in ordinary cells either, but in back rooms where the HRTF would not have immediate access to them unless it insisted on searching the police station.

In accordance with the rules, the police must in all cases issue an acknowledgement when they arrested someone under the PTA/ER and hand it to the arrested person's family or anyone else present at the arrest. The HRTF had also to be informed within 48 hours. A person arrested under



ordinary legislation had to be brought before a magistrate within 24 hours.

According to the Attorney-General, the police kept a record of all those arrested, whether under the PTA/ER or under ordinary legislation. The arrest of a person should thus also be recorded even if he was released within 24 hours and had therefore not necessarily been brought before a magistrate.

The HRTF said that it was informed of arrests under the PTA/ER in the vast majority of cases in Colombo, but some people might be recorded as missing because the HRTF had not been informed when contacted by the family.

The Inspector-General of Police expressed the view that the HRTF was always informed when people were interrogated at police stations, but problems could arise in issuing acknowledgements. For further details of the HRTF's role, see section II.C.

Most NGOs did not think acknowledgements were issued to next-of-kin and a number of them doubted whether there was any such document. According to the HRTF and several representatives of NGOs, the HRTF had asked the Attorney-General to prosecute some of the police officers accused of failing to issue acknowledgements. So far, however, the Attorney-General had not charged any of the police officers reported (for further details of the duty to issue acknowledgements, see section II.A and B).

Both the Inspector-General of Police and other interviewees stated that the police were not required to issue discharge papers to people briefly detained for a check on their identity. Where people had been held in custody longer and their release was due to a court ruling, they could apply for a copy of the court ruling.

Searches

Most interviewees reported that private homes or boarding houses were frequently searched in the course of a round-up, but could also be searched if the police had received a tip-off (often anonymously) about something suspicious at a house. Both Tamil and Sinhalese homes could be searched, but Tamil homes most commonly were. Several interviewees stated that the police



usually carried out such searches at night or early in the morning. Some boarding houses were searched more frequently than others if the police suspected them of being used by the LTTE.

The police did not need a warrant from a magistrate in order to search a house where a suspected offence under the PTA/ER was involved. The Home for Human Rights knew of cases in which the police had planted arms, for instance, during a search so that they could arrest someone. The reason for this might lie in personal animosity between the person concerned and the police officer or in the police officer's wish to extract a bribe for releasing the person.

The Association for the Protection of Tamils knew of a case in which the police had planted dynamite in a house belonging to a Tamil out of sheer spite and the house was razed to the ground in punishment. The impression was that the police's behaviour in that particular case was due either to the wish of some influential person to have the plot of land or to the need for the police to demonstrate their effectiveness in combating terrorism.

4. Do the PLOTE, the TELO, the EPDP or other Tamil groups opposed to the LTTE play any part in the government security apparatus?

The Inspector-General of Police stated that the police protected Tamil groups such as the EPDP, the PLOTE, the EPRLF and the TELO in Colombo on account of the danger of attacks by the LTTE and that the armed forces provided them with arms and transport when they were in the northern and eastern part of the country.

Opinions were divided as to whether some of those groups were also militarily active in Colombo. The Deputy Minister for Defence explained that the PLOTE, the TELO and the EPDP all had camps of their own in Vavuniya, but there were no serious problems in connection with their activities.

The Attorney-General said that he was also investigating cases in which members of the PLOTE or the EPDP had been accused of offences. He added that both the EPDP and the PLOTE were entirely dependent on the armed forces, but at the same time were essential to the authorities as they reported what was going on in Tamil areas.



A number of interviewees reported that the PLOTE, the TELO and the EPDP were all present in Colombo as political parties, though not with any security role, but were allowed to carry arms for their own protection. In other parts of the country, especially around Vavuniya, they were more paramilitary in nature with their own camps (to which the ICRC did not have access) and their own checkpoints.

The HRTF, however, thought the EPDP to be both politically and militarily active in Colombo. The HRTF mentioned here that it had no authority to investigate detentions by the PLOTE in Vavuniya.

INFORM agreed with the HRTF that the EPDP had its own security apparatus in Colombo and worked with the police and armed forces in identifying people belonging to the LTTE. That representative explained that the EPDP sometimes itself arrested young men who had assisted the LTTE in some way and held them in private homes in Colombo, where they might be subjected to torture. In some cases detainees were handed over to the police, but even in cases in which they were not it was difficult, according to INFORM, to do anything about this as both the police and the armed forces tacitly accepted the practice. Even people who had been involved in minor activities for the LTTE and subsequently left the organization risked having problems with the EPDP, according to INFORM. It added that the PLOTE acted in the same way in Vavuniya.

The Centre for Society and Religion also thought that the EPDP remained militarily active in Colombo, while the PLOTE was primarily active in Vavuniya. However, it was not thought that ordinary Tamils who had assisted the LTTE in the north of the country would be in danger from the EPDP in Colombo, although fund-raisers for the LTTE in Colombo might possibly face problems.

The UNHCR had no reports of any of the groups being involved in anything other than politics in Colombo. Nor did the Aliens Attaché at the Swiss embassy think that any of the groups played any security role in Colombo. The attaché mentioned that the EPDP, the EPRLF and the PLOTE had opened political offices in Jaffna after the armed forces gained control there.

The Home for Human Rights also took the view that there were not any security problems with the



EPDP or the PLOTE in Colombo.

A Tamil from Jaffna living in Colombo for eight years, who wished to remain anonymous, had never heard of the EPDP being militarily active in Colombo.

The Institute of Human Rights considered that the various Tamil parties raised funds in Colombo but did not make arrests or man checkpoints. Nor did a representative of an aid organization consider the Tamil parties to be militarily active in Colombo, but he did say that the PLOTE assisted the armed forces at checkpoints in Vavuniya in identifying suspects and collecting funds. In that representative's view, the groups in question were under the army's protection rather than its control. The other interviewees had no information on this point.

B. What is the current extent of government-controlled territory?

The LTTE at present control the area south of Kilinochchi and north of Vavuniya from the west coast to the east coast. On the west coast the armed forces won control of the road from Madhu Junction to Mannar Island in February 1997. While the delegation was in the country, the road was not yet open to civilian traffic, but it should now be possible to travel by road from Mannar to Vavuniya. The railway line, on the other hand, has not been in operation for a long while. On the east coast, the LTTE control the area north of Trincomalee.

See the map in Annex 4. It should be noted that this is intended merely as a sketch map, giving a rough indication of the areas controlled by each side.

C. Is the security situation similar throughout GCT or are there regional differences?

Apart from areas where the LTTE are in full control of territory, there are some parts of the country in which the LTTE are more able to operate than others. The Deputy Minister for Defence stated that on the Jaffna peninsular, which the armed forces won control of between December 1995 and May 1996, the LTTE were in a position to kill off enemies, but there was no danger of major



attacks. The Minister also reported that the LTTE held some pockets in densely populated mountainous areas in the Amparai district, from which they were able to carry out "hit-and-run" operations. The armed forces were therefore also unable to prevent the local population from supporting the LTTE, with varying degrees of willingness, when the armed forces were obliged to withdraw for any length of time.

The Centre for Society and Religion explained that the armed forces did not necessarily control the whole of an area merely because they had won control of the main road. It instanced the road from Mannar to Madhu Junction and the Amparai district, where many soldiers had been killed in ambushes. It was therefore impossible to travel on many main roads in the Amparai district after 16.00, since the armed forces did not have sufficient resources to control the area at night. Border areas were generally unsafe as the LTTE might carry out lightning raids on civilians in villages to scare people into not cooperating with the armed forces.

An international organization explained how the LTTE and the armed forces used the same tactics in the eastern part of the country, first clearing an area of civilians so that they could cleanse it and then moving the civilian population back in as a kind of human shield against the other side. It also took the view that the Jaffna peninsula was only partly free of the LTTE, with the area east of Point Pedro, in particular, more or less under LTTE control down towards Elephant Pass.

D. How are the strength of the LTTE and the conflict between the LTTE and government forces assessed following the conquest of Jaffna?

According to the Inspector-General of Police and the Deputy Minister for Defence, the LTTE were greatly weakened and both believed that the army could win the war within a few months or at any rate by the end of 1997. The Deputy Minister for Defence put the LTTE's strength at 3 000 well-armed and trained soldiers.

Representatives of two international organizations, however, thought that the LTTE had at least 15 000 well-trained soldiers and the war was far from coming to an end. One representative added that the armed forces were hard-pressed, one reason being that 9 000 soldiers had deserted.



One international organization estimated that the army had 40 000 soldiers on the Jaffna peninsula, which would amount to 40% of its total strength.

E. How are the LTTE's current ability and resolve to seek out and punish its opponents and defecting supporters/members assessed?

The Inspector-General of Police knew of a number of LTTE deserters being helped by the authorities either to remain in Sri Lanka under protection or to leave the country. Tamil leaders of Tamil political parties were also given police protection for fear of attacks by the LTTE after some prominent Tamils had been murdered. The police added that there were by now very few Tamil members of the police, since the LTTE had killed many of those who had helped investigate LTTE attacks. Even ordinary Tamils who had helped the LTTE in LTTE-controlled territory might be in danger in Colombo and therefore left the country.

According to the REPPIA, the LTTE had been able to kill individuals in Colombo who had publicly spoken out against the organization. A number of other interviewees, including INFORM and the Attorney-General, expressed the view that the LTTE would only be interested in senior, major political figures, while the UNHCR pointed out that the LTTE were often blamed for the murder of Tamil leaders although other groups might also be responsible. The UNHCR also took the view that the LTTE could in theory strike at even ordinary Tamils in Colombo if they wanted, but they had other priorities.

The Centre for Society and Religion, on the other hand, believed that even Tamils living outside Tamil-controlled territory were required to pay the LTTE. They might therefore be in danger, even in Colombo, if they failed to pay up or had left LTTE-controlled territory without paying.

F. What is the typical pattern followed by a round-up?

See section I.A.3.



G. How is departure from LTTE-controlled territory into GCT controlled by the LTTE and the armed forces respectively?

The UNHCR stated that the LTTE were at present letting many Tamils leave LTTE-controlled areas since they did not have the resources to control them and since their territory had been reduced following the armed forces' offensive against Jaffna and most recently against Mannar.

A number of interviewees also explained it was necessary to pay the LTTE a certain sum (varying in amount according to individual resources) or hand over a son or daughter to the LTTE in order to obtain permission to leave an LTTE-controlled area. The Attorney-General said that some Tamils were obliged to return to LTTE-controlled territory after a short while because they had only obtained permission for a visit. If they failed to return, their families risked punishment by the LTTE in their place.

The Deputy Minister for Defence knew of a number of families who had left LTTE-controlled territory through the jungle so as to avoid having to pay the LTTE. According to him, there were guides in border areas who specialized in taking people through the jungle. Some of those families were subsequently helped by the armed forces to reach Vavuniya, where they were waiting to travel on to Canada.

The Centre for Society and Religion, on the other hand, thought that, even if it was possible in theory to leave LTTE-controlled territory through the jungle without the LTTE's knowledge, this was both very difficult and extremely dangerous on account of wild animals and land mines. It had thus never heard of anyone doing so, unless they enjoyed LTTE protection.

In the area around Vavuniya there were reception centres for people fleeing conflict zones in the north of the country. According to the REPPIA, there were 12 "welfare centres" in the area around the town of Vavuniya, currently housing about 10 000 to 12 000. The REPPIA also stated that about 2 000 people a week returned to Jaffna by boat from Trincomalee.

The voyage from Trincomalee to Jaffna was an overnight one. If people wanted to return to LTTE-controlled territory directly from Vavuniya, the authorities did not stand in their way.



The REPPIA reported that the police were present in those centres, but questioning was carried out by the armed forces. The centres were administered by the civilian authorities and conditions there were relatively good. It was possible to obtain an exit pass for four hours to go to the town of Vavuniya.

The Attorney-General made the point that no-one was victimized in the welfare centres and people stayed there of their own free will until such time as they could return to Jaffna via Trincomalee by boat.

There were also four "screening centres", where people wanting to move on southwards into government-controlled territory were checked out by the security authorities.

According to the Attorney-General, there was a need for some form of screening of people wanting to go to Colombo as a number of LTTE squads attempting to get to Colombo by that means had been detected.

One international organization knew of cases in which the LTTE had tried to smuggle its squad members out disguised as children in an otherwise innocent family.

Most NGOs referred to both kinds of centres as detention centres and pointed out that only those with a clearly defined purpose in travelling to Colombo could obtain permission to do so. This might be the case if they were students in Colombo, had sick relatives there or could establish that they were on their way abroad by means of tickets, passports and visas. Several organizations described the screening centres as involving a series of moves from one centre to the next as people were checked. The centre nearest the station was the last stop before obtaining permission to travel south.

One international organization reported that the centres held about 3 000 young people who had attempted to leave the country since October 1996 but could not afford airline tickets, visas or any bribes to be paid. The organization also thought that conditions in both welfare centres and



screening centres were very bad.

Owing to the many checkpoints along the road from Vavuniya to Colombo, it was necessary to be able to establish that permission had been given to travel south.

Lawyers from the MIRJE knew of cases in which people had been cleared by the armed forces in Vavuniya to travel on southwards, but told unofficially that they could stay in Colombo for only three days. Problems might also be encountered at the local police station in Colombo when seeking to register after having come from Vavuniya. According to the MIRJE, the local police officer would, for instance, only be prepared to register such people for a week. However, the lawyers were not aware of any cases of people being forced to leave Colombo, but they thought that people might face detention under the ER, depending on the police station concerned.

The Institute of Human Rights also stated that the situation had changed since September 1996 so that people coming directly from LTTE-controlled territory could stay in Colombo for only a limited time.

It explained, too, that visitors from Colombo could stay in the Vavuniya district for only up to four days, whereas people coming directly from LTTE-controlled territory could obtain either a one, three or six-month pass or a permit to live there permanently. With a pass for a limited period it was not possible to travel outside the district, but it was possible to live in private accommodation.

The Institute of Human Rights said that many Tamils wanted to go to Colombo in order to leave the country, but it took at least three days to obtain clearance in Vavuniya. Other organizations thought it often took weeks or months before permission was given to travel on.

The REPPIA had the impression that any family members living in Colombo needed to go to

Vavuniya in order to get permission for their relatives to travel to Colombo, but most other organizations and the Attorney-General explained that this was not necessary, although many families did so in the belief that it would speed up clearance.



1997

Danish Immigration Service

The Inspector-General of Police pointed out that it was not in the authorities' interests for too many people to travel back and forth on account of the risk of the LTTE smuggling bombs out of areas controlled by them into Colombo.



II. INVESTIGATE OBSERVANCE OF HUMAN RIGHTS AS REGARDS PERSONAL LIBERTY

A. What Emergency Regulations (ER) are currently in force, how are they administered and are they applicable throughout government-controlled territory?

According to the Civil Rights Movement, Sri Lanka has lived under ER varying in content and in geographical coverage since 1973. The ER have been in force throughout Sri Lanka since the collapse of negotiations between the government and the LTTE in April 1996. One of the problems with the ER is that the rules are extensive, complex and continually being amended. As a result, very few people have a clear overall picture of the entire ER. The provisions of the ER are valid for only one month at a time and have to be renewed by parliament upon expiry.

The ER in force as of 1 January 1997 with regard to arrest, administrative detention and remand in custody will be found in Annexes 5, 6, 7, 8, 9 and 10. The basic text of the ER described here was published as ER No 4 of 4 November 1994 (Annex 5), to which Annexes 6, 7, 8 and 9 contain amendments. The provisions in question are referred to below as ER No 4/94.

Annex 10 contains the special Presidential Directions of 18 July 1995 to ensure that the fundamental rights of persons arrested or detained are respected. It was precisely the implementation of such legal safeguards that a number of interviewees singled out as problematic. For further details, see pages 40 to 42.

Arrest

The rules of arrest under ER No 4/94 are contained in Regulation 18. Under that provision, arrests may be made by any police officer or member of the armed forces. Where the arrest is carried out by a member of the armed forces outside the Northern and Eastern Provinces, the person arrested has to be handed over into police custody within 24 hours.

The grounds for arrest required under Regulation 18 are that the person is committing or has



committed, or there are reasonable grounds for suspecting him to be concerned in, an offence under any of the ER.

A number of the independent parties interviewed by the delegation considered that the definition of "reasonable grounds for suspecting" varied widely from one member of the authorities to another. A lawyer from the MIRJE reported a recent case in which he had represented a Tamil woman arrested at a checkpoint and detained under ER No 4/94. In that case the police had stated that the arrest was prompted by the fact that the woman physically resembled an LTTE suicide bomber and had also been found in possession of a camera. INFORM knew of a similar case.

Criticism of the authorities' interpretation of the grounds for suspicion required was also levelled against the corresponding rules in the PTA, as described below.

There was general agreement among the independent parties interviewed by the delegation, however, that the requirement for arrested persons to be handed over to the police within 24 hours was on the whole complied with. Several, though, were aware of instances of the armed forces holding arrested persons for a number of days before handing them over to the police and, in so doing, postdating the time of arrest so that the 24-hour time limit had apparently not been exceeded.

Under Regulation 19(3) of ER No 4/94, arrests outside the Northern and Eastern Provinces may be extended to 21 days with a detention order signed by a police officer not below the rank of a Deputy Inspector-General of Police. That provision, which is fairly recent, was introduced on 19 June 1996 (Annex 8). Under the previous provision, an arrest could be extended for not more than seven days. Arrests made in the Northern and Eastern Provinces may, under Regulation 19(2) of ER No 4/94, be extended for up to 60 days.

Remand in custody

Where the police consider there to be investigative reasons for continued detention beyond 21 (or 60) days, the detainee has to be brought before a magistrate. Under Regulation 19(10) of ER No 4/94, however, the magistrate has no other option than to remand the person in custody for three months. The basic premise underlying decisions on detention or release in cases concerning



offences against the ER is, under Regulation 54(1) of ER No 4/94, that a person may be released only with the consent of the Attorney-General. If the period of remand in custody under Regulation 19(10) of ER No 4/94 has exceeded three months, Regulation 54(4) thereof enables the Court of Appeal to release a person in exceptional circumstances, regardless of whether the Attorney-General agrees.

A number of NGOs pointed to the lack of any real legal safeguard here in the role played by the magistrate.

Continued administrative detention

The other form of detention under ER No 4/94 is purely preventive in nature and the conditions for it are laid down in Regulation 17 thereof. Under that provision, the Minister for Defence may issue a detention order valid for a period of three months. The requirement for this is that he is satisfied upon the material submitted to him that it is necessary to detain the person in order to prevent the commission of one or more of a number of subversive acts or serious ordinary criminal offences. Detention may be extended for three months at a time for up to a year.

If detention under Regulation 17 of ER No 4/94 is to be extended beyond a year, the person has to be brought before a magistrate, who may extend detention for up to three months. Regulation 54 of ER No 4/94 is applicable *mutatis mutandis* as described above. There is no upper limit on the number of times detention under Regulation 17 of ER No 4/94 can be extended.

Special procedural rules

Under Regulation 49(1) and (2) of ER No 4/94, confessions or other statements made by accused persons with regard to offences under the ER may be used in evidence against them in court unless they are to be regarded as having been unlawfully obtained. In cases involving offences under the ER, the burden of proving a particular statement to have been unlawfully obtained is on the accused, unlike the ordinary procedural rules, under which the prosecution is required to prove it not to have been.

Under Regulation 49(5) of ER No 4/94, statements made by others, including witnesses, may also



be used in evidence against the accused in cases involving offences under the ER.

B. How is the Prevention of Terrorism Act (PTA) applied?

The Prevention of Terrorism Act (PTA) of 20 July 1979, as amended on 15 March 1982 and 15 July 1988, will be found in Annex 11.

Arrest

The rules of arrest under the PTA are contained in Section 6, in accordance with which the police may arrest anyone reasonably suspected of being connected with or concerned in any offence under the PTA. Under Section 7 of the PTA, an arrested person has to be brought before a magistrate within 72 hours, unless an administrative detention order has previously been issued.

Remand in custody

If the arrested person is brought before him, the magistrate is required, upon application in writing signed by a police officer not below the rank of superintendent, to remand that person in custody until completion of the trial. As pointed out by one of the MIRJE's lawyers, such detention is indefinite.



Continued administrative detention

Under Section 9 of the PTA, the Minister for Defence may, where he has reason to believe or suspect that any person is connected with or concerned in any offence under the PTA, issue a detention order valid for up to three months. Such an order may be extended for up to 18 months.

Detention orders issued under Section 9 are final and not subject to review by any higher authority.

Special procedural rules

The special procedural rules described for the ER are also applicable in cases brought for offences under the PTA.

Legal safeguards applicable to both the ER and the PTA

On 18 July 1995 the President of Sri Lanka issued a set of six Directions to enable the HRTF to operate and to ensure that persons arrested or detained under the ER and the PTA are treated humanely and that their fundamental rights are respected (Annex 10).

The Directions lay down the following requirements for the treatment of persons arrested or otherwise detained:

- No-one may be arrested or otherwise detained under the PTA or the ER unless the relevant procedures have been observed.
- The arresting officer must, upon inquiry, immediately or as soon as is possible identify himself by name and rank to the person arrested or to a relative or friend of that person.
- Persons arrested or otherwise detained must be informed of the reason for the arrest.
- When a person is arrested, a document acknowledging the arrest must be issued to the spouse or other close relatives, giving the name and rank of the arresting officer, the date and time of arrest and the place at which the arrested person will be detained. If it is not possible to issue an acknowledgement, that fact and the reason for it are to be entered in the information book at the police station. Failure to comply is punishable by imprisonment for up to two years and a fine (Regulation 18(9) of ER No 4/94).



- Those arrested must be afforded reasonable means of making their whereabouts known to their family.
- Women and children under 12 should be allowed to be accompanied by a person of their choice to the place of questioning and should as far as possible be placed in the custody of women.
- Statements taken from persons arrested or otherwise detained should be in a language of their choice.

The Inspector-General of Police believed the current rules to be satisfactory on the whole and the administration of them by the authorities likewise. In his view, most of the accusations of abuse levelled were the product of LTTE propaganda.

In response to direct questioning about compliance with the Presidential Directions, the Inspector-General of Police conceded that problems might occasionally arise, especially as regards fulfilment of the requirement for the issue of acknowledgements to the next-of-kin of those arrested. At the same time, though, he took the view that there were usually compelling reasons when acknowledgements were not issued. Examples given of such situations were that there was sometimes simply no-one present to hand an acknowledgement to and on other occasions, e.g. when arrests were made in the course of a shoot-out, there was no time or practical opportunity to issue acknowledgments.

The Attorney-General, who took up his duties in March 1996, was also aware that there could on occasion be problems in complying with the Presidential Directions regarding the issue of acknowledgements when making arrests.

What had really disturbed him in the administration of the PTA and the ER, however, was that, following a hunger strike at Magazine Prison in 1996, where the Attorney-General's Office had conducted an inquiry into inmates' grievances, it had come to light that several hundred people had been detained for years without any actual case being brought against them. In about 250 instances, in which cases had proved completely unfounded, the Attorney-General's Office had arranged to have those concerned released. In a number of other cases, proceedings had been set in motion.

Experience had led the Attorney-General to require staff from his Office to visit prisons fortnightly



in order to check on the work of the police, speed up investigations and hear any complaints.

The UNHCR stated that there were serious problems concerning compliance with the Presidential Directions to safeguard the legal position of persons arrested or otherwise detained under the PTA and the ER, including compliance with the requirement for the issue of acknowledgements when making arrests.

The Institute of Human Rights had never ever come across any case in which an acknowledgement of arrest had been issued. A Tamil working for an international organization said that he had been arrested three times under the ER and in none of those cases had an acknowledgement been issued. Nor had he ever heard of anyone else receiving one.

Deepika Udagama said that, to the best of her knowledge, acknowledgements were practically never issued when making arrests. In her belief, no member of the authorities had so far been charged or convicted of a breach of duty in this respect.

Another aspect which Deepika Udagama found unsatisfactory was that detention, before cases came to court or were dropped, dragged on for a very long time. She knew of instances of people being detained for over four years without having their cases completed. In her view, about 60% of prison inmates, including common criminals, had not been tried and there were examples of people simply being "forgotten". She added that a contributory factor in the long periods of detention without trial was that the basis for it often shifted back and forth between the ER, the PTA and ordinary legislation. An NGO which wished to remain anonymous said that the proportion of those in prison without trial was in its view even higher than 60%.

The Institute of Human Rights said that it, too, considered the proportion of those in prison without trial to be very high. It also believed it knew of cases of inmates having been "forgotten" by the authorities, just as it knew of cases of people being held on remand under the ER/PTA for two to five years before they were released or their case came to court.

The MIRJE pointed out that the actual provisions of the PTA and the ER removed fundamental legal safeguards, but the practical application of the rules went even further. It said that there was also the problem here of having very few Tamil-speaking police at police stations, which in a number of cases meant that the Presidential Direction concerning the right to be heard in a language



of a person's own choice proved ineffectual. In order to tackle this, two parts of Colombo in which many Tamils lived, Dehiwala and Bambalapitiya, had set up citizens' action committees composed of "respectable" citizens fluent in both Tamil and Sinhalese. The names of committee members had been supplied to the local police authorities so that they could summon any necessary interpreting assistance. The delegation was told that the arrangements established had been well received by the police in both parts of the city. The MIRJE thought it unacceptable, however, that such voluntary initiatives should be required in order to get a straightforward legal requirement fulfilled.

There was also broad agreement among the independent sources that the Attorney-General's efforts regarding long periods of remand in custody were a step in the right direction, but a number said that this was totally inadequate.

The MIRJE stated that cases had been come across in which people represented by the organization's lawyers and regarded by it as completely innocent opted to admit a minor offence under the ER or the PTA just to put an end to the case. It added that there was a further problem here in that, under Sri Lankan legal rules, it was entirely optional whether a judge deducted time on remand from the sentence to be served or not.

C. What powers does the Human Rights Task Force currently have with regard to those detained under the ER or the PTA?

The decision to set up the present HRTF, which is a state body, was taken on 5 June 1995 (Annex 6).

The objective of the HRTF is described in Regulation 2 of ER No 1/95 as being to monitor the observance of fundamental rights of persons detained and ensure that humane treatment is accorded to them.

The HRTF's main means of achieving its objective are laid down in Regulation 9(1) and (2) of ER No 1/95, according to which:

- The HRTF has to be informed of any arrest or other detention under the ER or the PTA within 48 hours and also of where the person is being held;



- The HRTF may, without prior notice, inspect any police station, prison or other place of detention and speak to anyone found there.

The HRTF said that it was divided into nine regional units, covering all GCT except the Jaffna area. The HRTF had long wanted to open a branch there, but had not yet obtained the necessary permission.

With regard to its legal status and future, the HRTF said that it was at present in something of a vacuum, having been waiting since summer 1996 for the implementation of legislation setting up a Human Rights Commission proper to supersede the HRTF. The composition of the Commission had not yet been made public and there was considerable uncertainty as to whether it would incorporate the HRTF or its staff.

The HRTF was aware that there were considerable problems regarding observance of the legal safeguards contained in the ER, the PTA and the Presidential Directions. However, those at the top of the HRTF had opted to tread cautiously in an attempt to get across to the security authorities that the body was on the same side as them and not an opponent.

The impression was that the approach opted for had to some extent proved successful, with the security authorities now generally accepting and respecting the HRTF, as borne out for instance by the fact that arrests and other detentions were more widely reported to the HRTF than in the past. In the Colombo area, about 90% of cases were believed to be notified as required. It was also believed that, once the HRTF had been informed that anyone was being held in custody, the risk of maltreatment decreased significantly.

The HRTF was not aware of any cases of members of the security authorities having been punished for disregarding the legal safeguards in question.

With regard to its methods, the HRTF said that regular unannounced inspection visits were made to police stations and other places of detention. Such an inspection started by examining the list of people held at the location and then went on to make a thorough search of the premises. Occasionally detainees would be found in the cells who were not included in the list of inmates and examples had also been met with of attempts to conceal the presence of detainees from the HRTF's



notice. A case in Colombo was instanced in which the HRTF discovered someone being held in a kitchen with the light off. The person was chained to a radiator.

In Colombo, police stations and other places of detention were visited about once a month, more frequently where particular problems were perceived. The Colombo branch had a staff of eight to perform its duties, which covered some 120 locations.

In addition to regular inspection visits, the HRTF also followed up inquiries from next-of-kin or NGOs to establish the whereabouts of persons presumed to have been detained. In the past, 10 to 15 inquiries a day had been received from the public. The figure was now far lower, which the HRTF saw as evidence of a positive trend.

A number of the delegation's independent sources, including INFORM, the Law and Society Trust, the Home for Human Rights and the MIRJE, basically considered that the HRTF was doing a good, reliable job. Several of the sources, however, also thought that the body's scope for fulfilling its objective was severely restricted by shortage of resources, among other reasons. Another factor pointed to as hampering the HRTF's work and effectiveness was the uncertainty mentioned earlier regarding the future, which could influence the attitude of staff in cases in which intervention might make them unpopular with members of the police or armed forces. Lastly, the point was made in a number of quarters that the HRTF's claim to be informed of arrests, etc. in 90% of cases in Colombo had to be regarded as overstated.

D. How many people are at present in detention under the ER or the PTA

The delegation received from the HRTF the situation report in Annex 12 on the number of detainees held under the ER and the PTA as at 26 February 1997. The list puts the figure at 899. It should be noted that there is no figure for one prison and the report does not include the Jaffna area, in which, as stated earlier, the HRTF has no branch.

The Home for Human Rights said that, according to its information, 2 300 people were arrested or detained under the ER or the PTA in the Colombo area in 1996.

INFORM thought it detected a trend for the authorities increasingly to make use of detention under



ordinary legislation rather than the relevant provisions of the ER and the PTA.

E. Are all detainees now held in the normal prison system or are there other kinds of detention centre?

The question was discussed with the Inspector-General of Police and with the Attorney-General, both of whom agreed that there was not now any problem. It was pointed out that there were now over 400 approved places of detention, including both police stations and prisons or military camps. For the Colombo area, the Inspector-General of Police said that the last time the problem had surfaced was in 1995 in connection with the "floating bodies case", in which the bodies of a number of victims of foul play were found in Lake Bolgoda.

Neither the UNHCR nor the HRTF had any information pointing to the existence at present of places of detention other than those officially recognized. However, the HRTF commented, as mentioned in section C above, that inspections of police stations and other places of detention had occasionally revealed detainees being held in rooms other than the cells themselves.

INFORM pointed out here, however, that arrested persons were frequently transferred between different branches of the police (the CID, CDB, NIB, etc.) and the various police forces often rented houses in residential neighbourhoods for varying lengths of time; it could thus in practice prove difficult for lawyers, next-of-kin, etc. to establish where a detainee was currently being held.

The Institute of Human Rights was not aware of there being any unauthorized places of detention at present in the Colombo area, although there were still believed to be some in the north and east of the country.

The Home for Human Rights, on the other hand, thought there were still unauthorized places of detention both in Colombo and in the rest of the country.

F. Do people "disappear" and/or die in custody under suspicious circumstances?



G. Are there any examples of people held in custody being found murdered?

The delegation discussed the question with the Inspector-General of Police, the Attorney-General and the Deputy Minister for Defence.

The Inspector-General of Police considered that the problem was now, if not entirely eradicated within the police force, at any rate greatly diminished. He knew of a few cases recently in which members of the police were being or had been prosecuted for abduction and/or murder, including the case widely covered in the Sri Lankan press involving the rape and murder of Krishanthi Kumaraswamy and the murder of three others in Jaffna in September 1996. In the Colombo area, he believed the problem had not arisen since the "floating bodies case" referred to earlier.

The Attorney-General knew of cases against both police officers and members of the armed forces. He explained that, although cases involving members of the armed forces were normally heard by a military court, the Attorney-General's Office was empowered to decide on the question of charges where the case concerned offences against civilians. That power was often exercised, the course usually taken being to prosecute under ordinary criminal law provisions.

The Deputy Minister for Defence said that the armed forces were well aware that, particularly in the Jaffna area, there were many complaints from people claiming that relatives and/or acquaintances had disappeared or been murdered while in military custody.

He was also familiar with the "Kumarapuram case", in which seven soldiers were under indictment for the murder of 24 civilians in Trincomalee in February 1996.

The HRTF said that it currently received reports of 10 or 11 disappearances a month. For 1996 as a whole, a total of 144 disappearances were reported to it nationally (excluding the Jaffna area, where it did not operate). About 40 of those people had been located by the HRTF. It would not rule out the possibility that some of those reported missing might have gone into hiding for personal reasons or left the country.

In late 1996 the HRTF visited the Jaffna area, where it received over 500 complaints about disappearances while in military custody.



The UNHCR said that disappearances had virtually ceased in the Colombo area and it was not, for instance, aware of any disappearances in that area over the period from March to November 1996.

Neelan Tiruchelvam said that, according to his information, 300 to 500 people had disappeared in the Jaffna area. Outside that area, the current figure was 10 to 15 a month. In the Colombo area, the figure was considerably lower than it had been, but disappearances could not be said to have ceased altogether.

Both the MIRJE and Deepika Udagama said that the number of disappearances had fallen dramatically over the last few years in the south of the country, including the Colombo area, although they had not ceased altogether, whereas the figure in the north of the country had shot up. Deepika Udagama added that, according to her information, there were currently about 500 people missing in Jaffna, but some of them might have gone south or left the country. She also pointed out that the number of extrajudicial killings in the east and north of the country had risen, but in many cases it was unclear who was behind them, i.e. whether it was the armed forces, the police, the LTTE or others.

The Sri Lanka Foundation knew of reported disappearances in northern and eastern Sri Lanka in October and November 1996. It had not heard of any disappearances in Colombo since early 1996.

The Centre for Society and Religion had no knowledge of any reports of disappearances in the Colombo area in the last two years, but would not rule out the possibility that there might have been isolated cases.

The Institute of Human Rights said that it issued a monthly newsletter dealing, among other matters, with people detained under the ER and the PTA and with presumed disappearances while in custody. It stated that the number of reported disappearances in Colombo in 1995 was very high and cases had also been recorded in 1996 in that area. Of late, there had been no reports of disappearances in the south of the country, including Colombo, but the possibility could not be ruled out that there might still be some. In the north of the country, disappearances were continuing to occur.

The Home for Human Rights thought that the number of disappearances in Colombo was lower



than in 1995, but cases were still being reported, most recently on 7 December 1996.

INFORM put the number of disappearances in the Colombo area for 1996 at around 10 to 12. No disappearances had been reported since September 1996. If, after unsuccessful inquiries to the authorities, including the HRTEF, and to private aid organizations, a person was still believed to be held in custody by the authorities, the only legal remedy available was to bring a *habeas corpus* suit. However, such proceedings were both expensive and time-consuming, as a lawyer had to be hired to conduct the case.

The Family and Rehabilitation Centre and INFORM agreed that the number of *habeas corpus* suits was currently small and that one of the reasons for this was that such a suit could not be brought against the police authority or the armed forces as such, but had to be brought against a named person or unit.

H. Are those arrested in danger of being tortured by the authorities and, if so, is the risk equally great throughout government-controlled territory and irrespective of the authority involved?

The Inspector-General of Police said that, to all intents and purposes, no use was made of torture on people in police custody and the frequent allegations of it were usually the product of LTTE propaganda, as were most other allegations of mistreatment by the authorities. During the visit to the Inspector-General of Police, conversation turned to a pending case widely reported in the Sri Lankan press concerning the investigation into the murder of a Deputy Minister for Defence, in which two experienced police officers from the CDB were being prosecuted for fabricating false evidence.

The Inspector-General of Police confirmed that he was acquainted with the case and agreed that the nub of the case was that the accused were said to have extracted an untrue statement from a witness that a deceased person had been guilty of the Minister's murder. He was also aware that in the course of the case the police officers had been accused of using torture to extract the untrue statement and he wished to point out in this connection that a medical examination of the complainant had not revealed any sign of torture.

A Tamil interviewed by the delegation, who wished to remain anonymous in this respect, said it was



common knowledge that the two police officers charged were torturers.

The Attorney-General stated that about 400 cases a year came before the Supreme Court for breach of the constitutional provisions on the fundamental rights of citizens, usually claiming that people had been subjected to torture while in custody. About 95% of cases were dropped before they came to trial and, in his view, the real purpose of bringing such cases was usually to get the prosecution service to release the person concerned. In some cases, release was followed by out-of-court financial compensation. In other cases, however, the complainant continued with the case and might then, if he won it, be awarded damages by the Supreme Court.

A lawyer belonging to the MIRJE said that he had himself, on behalf of clients, brought 110 cases for breach of fundamental civil rights before the Supreme Court in 1996. The cases differed of course, but all involved unlawful detention and torture. The lawyer confirmed that most cases were dropped in return for agreement to release the client. In 1996 he had managed in three instances to win the case before the Supreme Court and obtain damages for his client.

The Deputy Minister for Defence said that attention was being paid to the possibility of atrocities by the armed forces, particularly in the Jaffna area. This had prompted the establishment of a military commission of inquiry, which visited Jaffna in January 1997 and interviewed 60 people claiming to have suffered, or to have knowledge of, atrocities committed by the armed forces. The intention was that the commission should subsequently look into the armed forces' action in individual cases, including the treatment meted out to any complainants. The object of the entire exercise was primarily to have a preventive effect.

A number of interviewees, including the Civil Rights Movement, pointed to a fundamental shortcoming in that the commission came under the armed forces themselves, what was really needed being an independent investigation body.

Among other preventive steps mentioned by the Minister, senior officers were required to inspect their subordinate units more frequently, so that units could not feel cut off from the normal chain of authority in the defence forces. As another preventive measure, units were moved around more frequently.

The HRTF was aware that torture took place and referred in particular to the CID, the CDB and the



STF in this connection. However, torture occurred primarily in the investigation of ordinary criminal cases. The number of cases in which torture was reported to the HRTF was limited, but torture could not be said to have been stamped out. The HRTF did not think that torture occurred in the course of checks at checkpoints.

The UNHCR agreed that torture still occurred, but considered that systematic torture was hardly ever practised in the Colombo area now.

The Sri Lanka Foundation thought torture to be widespread throughout the country, but perhaps somewhat less so in the Colombo area on account of constant watchfulness by NGOs. It added that an understanding could be sensed in the police leadership that the force must refrain from using brutality, but this had not yet filtered down through the ranks.

INFORM felt that, if the HRTF received only a small number of complaints of torture, this was because not many people dared to talk about maltreatment while they were still being held at a police station or in a military camp. It also agreed that torture was used primarily on common criminals and hence not specifically on Tamils.

Deepika Udagama pointed out that, in her view, there was a problem of attitude here. The police might have been told often enough that torture was unlawful, but it had not been sufficiently impressed upon them that torture was also wrong and unacceptable.

Neelan Tiruchelvam said that torture was still being used, especially on people suspected of actually belonging to the LTTE.

According to the Home for Human Rights, torture was commonest in military camps outside Colombo.

The MIRJE said that torture was quite widespread. A number of lawyers belonging to the MIRJE considered that it was often hard to produce evidence in torture cases, one reason being that torture was as a rule practised at the start of detention and the immediate traces left following torture had therefore more often than not disappeared by the time lawyers came on to the scene. One of the lawyers mentioned that in one particular case he had attempted to arrange for an independent medical examination of a client claiming to have been tortured, but this had been refused.



A number of those interviewed by the delegation made the point that conditions in prisons and other places of detention were very poor. In particular, there were many people to a cell and sanitary conditions were totally inadequate. A Tamil employed by an international NGO said that he had been detained in a round-up for two days and nights along with 27 others in a cell in which there was so little room that everyone had to stand up and no-one could sit or lie down.

Lastly, the Home for Human Rights made the comment that people arrested or detained under the ER or the PTA were held along with common criminals and some violence took place between inmates, without prison staff always intervening.

I. Do the authorities investigate and prosecute cases in which members of the authorities may be suspected of atrocities such as rape and murder? Have members of the authorities been convicted in such cases and, if so, how were they sentenced?

The delegation discussed the questions with the Inspector-General of Police and with the Attorney-General. For both interviews it used as material the "floating bodies case" referred to earlier, in which according to a number of the Danish immigration authorities' sources, including the US State Department's 1996 report, those involved were said to have been released on bail and to have returned to their duties. The case was also cited by several sources as an example of the authorities' unwillingness to prosecute criminals from within their own ranks.

The Inspector-General of Police, who was well acquainted with the case, explained that the selfsame case had come as a rude awakening for those at the top of the police force, who had believed such occurrences to be a thing of the past. He had himself asked the CID to investigate the case with the utmost vigour and been extremely pleased to see arrests made in the case and the murders then stop.

As regards release on bail, he confirmed that the STF police officers charged were all at liberty. He had no comment on this, apart from pointing out that the decision in question was taken by a magistrate. Concerning reports that those charged had returned to their posts, on the other hand, the Inspector-General of Police was at great pains to stress that this was not the case; they were and would remain suspended from duty until the case was completed.



The Inspector-General of Police also said that police commanders always suspended police officers if complaints of abuses were made against them and there was considered to be even the slightest truth in the accusations. He added that there were a considerable number of police officers suspended from duty at present.

Regarding willingness to expose criminals within the authorities' own ranks, the Inspector-General of Police reported that a number of special units had been set up to conduct internal investigations.

The Attorney-General was also particularly well acquainted with the "floating bodies case". He explained that, if the case had not come to court yet, this was merely because investigation of it had been especially difficult. In the absence of confessions, the problem had in particular concerned the difficulty of identifying individuals last known to have been seen in the custody of the accused with the maltreated, extensively decomposed bodies found in Lake Bolgoda between March and August 1995. The Attorney-General explained that it was vitally important to establish such a link if any charge of murder was to stand up in court. If the necessary evidence of murder could not be produced, it might be necessary to reduce the charge to abduction, which experience showed not to be punished anything like as severely as murder.

In more general terms, the Attorney-General stated that the prosecution service was firmly resolved to prosecute any case of malfeasance if there was the slightest foundation for it. He also considered allegations of dilatoriness in dealing with cases to be unfounded. He pointed out here that it was in the nature of things for such malfeasance and human rights violation cases, which were often highly complex, to require lengthy preparation, that many of them had taken place quite a long while ago and that it was not until the present government took office in 1994 that serious interest had begun to be taken in cases of this kind.

A number of the major cases were now turning ripe for action and could be expected to be settled in the near future. The Attorney-General gave the delegation the note of 12 February 1997, contained in Annex 13, concerning major criminal cases involving human rights violations alleged to have been committed by police officers or military personnel.

When questioned, the Attorney-General said that there had already been cases in which members of the authorities were convicted of malfeasance. The delegation subsequently, as arranged, received a copy of one such ruling. The judgment turned out to concern abduction in the form of unlawful



detention committed by a police officer in 1990. The judgment dated from 1993.

The UNHCR said that since August 1995 the authorities had been taking a tougher line on human rights violations committed by their own number and they could not now be accused of failing to do anything about this. The point was also made that it was now possible to speak and write openly about human rights violations by the authorities without any risk of "disappearing", which had not previously been the case.

The Sri Lanka Foundation considered that the authorities did not seriously attempt to prosecute members of the police and armed forces who had committed human rights violations.

Deepika Udagama took the view that the arrest and remand in custody of quite a number of STF police officers in the "floating bodies case" had given many people the impression that the authorities now wanted to take serious steps, but subsequent action on the case had clearly been unsatisfactory. She admitted that there might be problems of evidence, but also pointed out that many people feared those police officers, who were now out on bail, would be able to influence the investigation, e.g. by intimidating witnesses.

Another point she made was that large sections of the police force had operated under the ER and the PTA for most of their time in it and this had left its mark on the force's outlook. She lastly considered that widespread public dissatisfaction that the case had still not been settled and that those charged had been able to get out on bail after only eight months in custody needed to be seen against the background of cases in which people had been detained under the ER or the PTA for over four years on the basis of ill-founded suspicion of LTTE activities.

The MIRJE was also highly critical of the authorities' failure to act on cases in which members of the police or armed forces were suspected of atrocities. It pointed out here that cases against, say, police officers, including the "floating bodies case", were normally brought under ordinary legislation, which meant that release on bail was usually possible after three months. The Institute of Human Rights also made the point that members of the authorities were prosecuted under ordinary legislation, which made conviction more difficult than under the ER or the PTA.

A number of those interviewed by the delegation expressed respect for the Attorney-General personally. He was a former judge at the Supreme Court and had held the post since March 1996.



Neelan Tiruchelvam, for instance, said that the Attorney-General had come up with some worthwhile initiatives, including in the case referred to earlier of the rape and murder of Krishanthi Kumaraswamy. Deepika Udagama agreed with the positive assessment of the Attorney-General personally, but said that the holder of the post was nowadays under political pressure.

The Institute of Human Rights, which had some dealings with officials at the Attorney-General's Office, criticized the institution for being very slow-moving. The impression was that this was not in itself due to uncooperativeness, but was more a reflection of pervasive bureaucracy.

J. Are people suspected of having assisted the LTTE, without being members, prosecuted? If so, do proceedings meet international standards for a fair trial and what penalty is likely?

The HRTF said that it was not uncommon for people suspected of having assisted the LTTE to be detained for a year to eighteen months before it was decided whether to proceed with the case or drop it.

INFORM was able to add that the sentence imposed for minor activities for the LTTE was two to three years' imprisonment. In Colombo, the sentence might be slightly less, with assisting the LTTE with transport, for instance, often incurring one to two years' imprisonment.

The Institute of Human Rights thought that, where small-scale activities were involved and they had been admitted, the case might often end in a suspended sentence and a fine. Cases of this kind were commonly dealt with under Section 5 of the PTA as having had knowledge of illegal activities without reporting them to the authorities. The sentencing range for this was up to seven years and, in cases in which the offence was not admitted, the sentence imposed would be one to two years' imprisonment.

The UNHCR knew of cases in which actual members of LTTE squads had been let off with a few years in prison and it also pointed to the rehabilitation scheme introduced in 1996. This was brought in on 29 August 1996 as an amendment to ER No 4/94 (Annex 9) and entailed the administrative transfer of persons voluntarily surrendering to the authorities to special rehabilitation centres, where they could be required to stay for up to two years. Residence at the centres was a



form of detention but, according to the HRTF, conditions were somewhat better than in prison. The MIRJE knew of cases in which people who should have been released were instead transferred to rehabilitation centres.

Nearly all interviewees agreed that the courts were on the whole independent, nor were there any significant objections regarding the right to choose defence counsel.

On the other hand, there was very strong criticism, from a large number of sources, of the fact that confessions made to the police could be used as evidence in cases involving offences under the ER and the PTA and the burden of proving whether a confession had been unlawfully obtained was on the accused.

The Centre for Society and Religion commented that Tamils who did not understand Sinhalese risked getting an unfair trial merely by virtue of the fact the courts were distinctly short of Tamil interpreters.



III. HOW DO THE AUTHORITIES AND THE UNHCR RESPOND TO AMNESTY INTERNATIONAL'S AUGUST 1996 REPORT "WAVERING COMMITMENT TO HUMAN RIGHTS"

The delegation discussed Amnesty International's report "Wavering Commitment to Human Rights" with the Attorney-General and the Inspector-General of Police.

The Attorney-General was familiar with the Amnesty International report. He commented that the prosecution service found it hard to follow up all cases in which it received inquiries about disappearances. In examining the list of missing persons, he said that some of those cases presumably could not be correct. He pointed out, for instance, that the STF did not operate in an area in which it was accused in one of the cases of having been behind a disappearance. He added that, in his belief, cars did not simply stop in the street and pick up people who then disappeared. As regards one of the cases, in which the vehicle carrying someone off was said to have had no numberplates, he stated that there were no longer any unnumbered vehicles. He had called upon Amnesty International to produce further substantiation of those disappearances. Generally speaking, he felt that the report gave an exaggerated picture of the scale of disappearances and he also considered that the cases were in large part without foundation. Lastly, he was surprised that *habeas corpus* suits had not been brought more widely in the cases in question (for further details on this point, see section II.F, page 49).

The Inspector-General of Police was also familiar with the Amnesty International report. He thought the report highly unreliable and added that, in his view, Amnesty International had been infiltrated by the LTTE. When police commanders learned that the force's officers were committing serious misdeeds against the civilian population, action was taken. He also accused Amnesty International of failing to talk to the police in drawing up the report in question and took the view that many of the cases included in the list of disappearances were not genuine. In one case, someone was said to have been abducted by members of the army's motorcycle brigade.

According to the Inspector-General of Police, the army had no motorcycle brigade. In his belief, some of those listed as missing in the Amnesty International report had probably either gone north to join the LTTE or left the country, e.g. for southern India.



The UNHCR felt that Amnesty International's "Wavering Commitment to Human Rights" was basically a good report. In one of the specific disappearance cases described in the report, it had information that the person was present in Switzerland at the time at which he was said by the report to have disappeared in Sri Lanka and in two other cases it did not consider those in question to have disappeared.

The point was also brought out that, apart from a few, the cases went back to 1995. From May to July 1995 the situation had been particularly bad. In August 1995 the government began to take a tougher line against human rights offences.



IV. WHAT FORM DOES THE PASSPORT-ISSUING PROCEDURE CURRENTLY TAKE IN SRI LANKA?

Questions 4(a) to (f) in the terms of reference were discussed at the meeting with the Sri Lankan immigration authority (SLIA), coming under the Ministry of Defence. It was first stated that a new series of passports had been introduced as from September 1996. The previous series (the "L" series) had proved too easy to forge and had therefore been abandoned in favour of the new series (the "M" series). Since the changeover to the "M" series, about 130 000 of the new passports had been issued. Existing passports from the "L" series remained valid. The SLIA estimated the total number of valid Sri Lankan passports at present to be about 650 000.

The main problem found with "L" series passports proved to be the possibility of switching photographs, despite the fact that the page bearing the photograph was laminated. The main difference with the new passports was therefore that the photograph in "M" series passports was integrated into the passport by scanner, so as to make it as difficult as possible to switch photographs. The SLIA had not up to now detected any forgeries involving "M" series passports. When the delegation visited the airport, the CID and the NIB stated that they were not aware of any forgeries involving "M" series passports either.

With regard to the actual procedure for applying for passports, it was stated that applications could be submitted either directly at the SLIA's head office in Colombo or at one of about 300 local offices throughout the country. It was pointed out, however, that not all offices were in operation at the moment on account of the fighting between government forces and the LTTE. For that reason, a mobile team had recently been dispatched from the central office in Colombo to Vavuniya on the border with LTTE-controlled territory.

When a passport application was submitted, the national identity card and birth certificate had to be produced and three photographs supplied, one of them certified on the back by a justice of the peace as to the identity of the person shown on the photograph. In some cases, however, the need to produce an identity card, for instance, was waived if it could be shown that the card had been lost.

It was a firm general rule that passport applications had to be submitted in person, although the



elderly and infirm or people known to the immigration authorities were allowed to submit an application through an intermediary. The police were not consulted automatically regarding the issue of passports.

At the meeting with the SLIA, it was also stated that efforts were made to be humane and flexible about the issue of passports.

All Sri Lankan passports were issued centrally at the SLIA head office in Colombo. Passports were actually issued in a number of stages involving different departments, which should ensure that no individual could issue a passport on his own. The SLIA had, however, found cases in which employees were caught engaging in irregularities and mention was made here of a recent case in which two employees had been suspended under suspicion of having taken bribes.

In the course of the passport issue procedure, the SLIA occasionally became aware of cases in which passport applications were accompanied by false national identity cards or false birth certificates. Seven such cases were known to have been detected over the last three months and cases had also been heard of in which people were discovered in departure control at Colombo airport to have genuine passports issued on the basis of false papers. Cases of counterfeit passports, too, had come to light at the airport a while ago.

The SLIA issued 700 to 1 000 passports a day. After a passport had been issued, the normal procedure was for it to be forwarded to the applicant directly by mail. However, it was also possible, for an additional charge, to have a passport issued the same day by appearing in person with the application at the SLIA's head office in Colombo.



V. HOW IS DEPARTURE CONTROL ORGANIZED AT COLOMBO AIRPORT?

There is only one legal point of entry into and departure from Sri Lanka: Colombo airport (Katunayake airport). The airport is situated on the coast, about 33 km north of Colombo, and is reached from Colombo along the coastal road, which is the vital main artery for northbound traffic out of the city. The coastal road, linking the capital with the town of Negombo, is known as the Negombo road. Along the Negombo road, the delegation noticed a number of both static and mobile checkpoints.

Questions 5(a) to (h) in the terms of reference were discussed during a visit to the airport, where the delegation was shown the security system and departure and entry control arrangements by representatives of the immigration service, the CID and the NIB. They explained that the airport was regarded by the authorities as one of the most obvious targets for sabotage or terrorism in the country and top security was therefore enforced. The airport consisted of both a civilian and a military part and the entire airport area was surrounded by a high wire-netting fence, topped by barbed wire, with minefields in places. The military part of the airport was guarded exclusively by air-force personnel.

In the civilian part of the airport, physical security and departure and entry control were looked after by a special security unit numbering about 600, coming under the airport commander, by staff from the immigration authorities and by members of the CID and the NIB. The delegation was informed that the immigration authorities had a staff of 25 at the airport, the CID 20 and the NIB 25.

Departure control, which had been unchanged for the last six years or so, began some 150 to 200 metres before the main entrance to the airport, where all vehicles were stopped at a checkpoint and searched for arms and explosives. Once the vehicle had been searched, the driver was allowed to go ahead and park it in a car park close to the airport building. No passenger could be accompanied into the airport building by more than two people. Those accompanying passengers into the airport building had to buy an admission ticket, costing 100 Sri Lankan rupees (LKR), just before entering. Other people arriving with passengers were directed to an outdoor viewing platform, from which planes could be seen taking off.



Just inside the doorway of the airport building, luggage was screened; passengers and anyone accompanying them then proceeded along a long, straight passageway to the departure hall, which was divided into an "outer" and an "inner" part. Those accompanying passengers were only allowed into the outer part, which was separated from the inner part by a glass wall with two ways through it, one for Air Lanka passengers and one for passengers travelling with other airlines. On the way in from the outer to the inner part of the departure hall, a check was made that the names shown in passports tallied with those on tickets.

Once inside the inner departure hall, luggage was checked manually by airline staff and passengers then proceeded to the check-in counter, where they handed over their luggage and were issued with a boarding pass. Just after checking in, they paid the departure tax (LKR 500) and the receipt was fastened to their boarding pass.

Passengers had now reached departure control proper, consisting of a number of booths staffed by both an immigration and an NIB officer, at which the immigration officer would check the passport and boarding pass while the NIB officer checked the passport holder's name against a constantly updated manual list of wanted and expelled persons. If a passport was suspected of being forged, immigration officers were able to scrutinize the passport more closely on the spot, using infra-red equipment. No special exit permit was required apart from the passport.

After departure control proper, a separate check was made that the departure tax had been paid. Passengers now went upstairs into the transit area, which was on the first floor. In the transit area, passengers were watched by plain-clothes NIB officers.

When their flight was called they proceeded to the gate from which it was leaving and on the way underwent a last security check with a metal detector. At the gate itself, airline staff checked that the passport and boarding pass both showed the same name. The reason for this last check, according to the NIB, was that there had been instances of people permanently resident in western countries exchanging boarding passes in the transit area with, say, a relative who had not been granted a visa for the country in question and was therefore at the airport on the pretence of being about to fly to another destination, for which he did not require a visa.

After entering the gate, passengers found themselves in a waiting room where they waited to be



taken out to the plane, by bus. Nearly all international departures left in late evening or at night.

With regard to illegal departure via the airport, it was explained that this was a well-known problem and CID officers were brought into the airport security and control arrangements in 1990 for the specific purpose of tackling it. Experience showed attempted illegal departures to occur both individually and in groups, in the latter case mostly with the involvement of a "courier". The respective roles of the enforcement authorities were that the CID dealt with cases against couriers, while the immigration service dealt with cases against illegal passengers.

Over the period from 1990 to 1995, 151 illegal departure cases had been reported, whereas 1996 alone had seen 178 cases. In 1997 there had been 23 cases up to the end of February. The CID held the names and photographs of quite a large number of couriers and the latest list of major known couriers included 39 names.

Just in terms of penalties, illegal departure cases would as a rule incur fines, with a normal fine for a courier for a first offence of LKR 50 000 (approx. DKR 5 800) and for an illegal passenger for a first offence of LKR 4 500 (approx. DKR 520). There had, however, also been cases in which couriers repeatedly apprehended had been given suspended sentences and fined. Many of the couriers in fact turned out to be Sri Lankans resident in Europe.

In most cases, illegal passengers were detected at the check-in counter and cases had been seen both of counterfeit passports and of switched photographs (in "L" series passports) or false visas. It had proved extremely rare for wanted persons to be apprehended in the course of illegal departure via the airport and the enforcement authorities considered that such persons would more often than not choose to try and leave the country by boat for India.

The enforcement authorities also believed many of those illegally entering western Europe originally to have left Sri Lanka entirely legally for a destination for which Sri Lankans did not require visas, where onward travel, including any false papers, would be arranged.

On the question of corruption of officials in connection with illegal departure, both the NIB and the CID said that there had been cases in which it came to light that immigration officers had taken bribes and allowed people to leave on false papers. They also knew of a very recent case in which staff of an airline had been caught issuing boarding passes for a flight to a western European country



to 17 people not in possession of tickets or visas for the country in question and not shown on the passenger list.

As regards illegal departure of wanted persons on documents made out in their own name, it was agreed that such a case would have to involve complicity on the part of one of the NIB departure control officers. It was added that, at any rate, no cases of NIB staff taking bribes had come to light over the last six years or so (the time for which the delegation's CID and NIB interviewees had been working at the airport).

The effectiveness of departure control at Colombo airport was also raised with representatives of a western embassy wishing to remain anonymous. One of them worked at the airport daily as an aliens attaché with special responsibility for departure control.

The embassy considered that Colombo airport could best be described, for departure control purposes, as "leaking like a sieve", with couriers virtually able to operate quite overtly. The reason for this state of affairs lay in a combination of factors: the penalty for acting as a courier in arranging illegal departures was light; trafficking in illegal passengers to the west was particularly lucrative; and, owing to the large sums, by the country's standards, payable in bribes, there was extensive corruption among the enforcement authorities. For instance, in the illegal departure case referred to above involving 17 people, the embassy had heard it rumoured that bribes of LKR 100 000 (approx. DKR 11 600) each were paid. The embassy's own impression was that figures on that scale might be a little on the high side, compared with what could be expected to be payable in other cases.

The embassy also thought it noticed an increased tendency for those leaving the country illegally to want the whole journey arranged before leaving Colombo. This was apparently due to the fact that controls at some of the previous favourite stopovers *en route* to America or Europe (Hong Kong, Singapore and Bangkok) had been tightened up considerably.



VI. HOW IS ENTRY CONTROL ORGANIZED AT COLOMBO AIRPORT?

Questions 6(a) to (e) in the terms of reference were addressed in discussions with the enforcement authorities (the immigration service, the CID and the NIB) during the delegation's visit to the airport.

The arrival hall, in which entry control took place, was physically located in the same building as the departure hall. Control preceded the reclaiming of luggage.

Entry control took place on the way past a set of booths, at which an immigration and an NIB officer respectively checked on travel documents and on whether arrivals were wanted or expelled persons. Checking on whether they were wanted or had been expelled was based on the same manual list as referred to in the section concerning departure control.

The delegation was told that for entry control it was in some ways less important what kind of identity papers were produced. What mattered was that people were able to establish who they were. Those unable to establish their identity would be detained and they risked being refused entry and hence subsequently removed.

The airport itself had detention facilities of a sort, where people expected to be removed were held under guard until their removal was ordered, if appropriate, and could be carried out. According to information supplied, they could be held there for up to about three months, although that would be absolutely exceptional.

People not expected to be removed, on the other hand, were detained in a special section of the prison at the town of Kalutara while their situation was investigated. No information was forthcoming to pin down the likely length of such detention.

The immigration service stated that the procedure followed by the Danish police for enforced expulsions to Sri Lanka did not give rise to any immigration control problems. Advance notice of enforced expulsions was always received from Denmark and the immigration service then informed the NIB. It was added that none of the Sri Lankans expelled from Denmark had been arrested or



detained on entry since autumn 1996.

According to the enforcement authorities at Colombo airport, no record was kept of Sri Lankans returning to Sri Lanka in the course of entry formalities, nor were Sri Lankans returning to the country after spending time abroad required to have any special residence permit in order to stay in Colombo.

Asylum seekers expelled from Switzerland

The aliens attaché from the Swiss embassy reported that Switzerland had repatriated about 550 rejected asylum seekers to Sri Lanka since the beginning of 1995, 300 of them in 1995, 100 in 1996 and 50 in January and February 1997. Of that group, 30 to 40 were expelled under police escort. On being expelled, they were each given SFR 300 (approx. DKR 1 500) and a list of telephone numbers of the UNHCR, the Swiss embassy and a special Red Cross reception centre funded by Switzerland. They were also supplied with a map of Colombo, clearly showing the position of the reception centre. However, most of the expelled asylum seekers were met at the airport by relations and/or friends.

Out of the 550 or so expelled asylum seekers, 160 subsequently contacted the embassy. Of those, 100 had financial problems such as arranging for their Swiss pensions to be transferred. Out of the 160 who contacted the embassy, 20 had moved to the north of the country, 20 had moved to the east and the remainder had stayed in Colombo.

According to the aliens attaché, 27 of the 550 expelled were arrested either on entry or shortly afterwards, as a rule upon being stopped at a checkpoint. The vast majority were detained for from 24 to 48 hours in order for their identity to be checked. Some of the 27 were arrested in round-ups at boarding houses. The Swiss embassy or the UNHCR was informed in such cases either by the expelled persons themselves or by the boarding-house keeper. After either the UNHCR or the Swiss embassy had contacted the police station in question, the expelled asylum seeker was as a rule released.

A case was also known of in which an expelled asylum seeker had been arrested three times during the last two years on suspicion of belonging to the LTTE. Another one was arrested in 1995 by the armed forces and beaten up before being handed over to the police.



The aliens attaché thought lastly that, even if the embassy were not informed that an expelled asylum seeker had been arrested, other organizations such as the UNHCR, the ICRC or the HRTF would have been notified.



VII. LIST OF ANNEXES

(Only Annexes 1 and 14 are available electronically)

- Annex 1 List of meetings
- Annex 2 Amendment to ER No 4/94 of 21 September 1995
- Annex 3 Amendment to ER No 4/94 of 30 October 1995
- Annex 4 Map of Sri Lanka showing government-controlled and LTTE-controlled territory
- Annex 5 ER No 4/94 of 4 November 1994
- Annex 6 Amendment to ER No 4/94 of 7 June 1995
- Annex 7 Amendment to ER No 4/94 of 4 September 1995
- Annex 8 Amendment to ER No 4/94 of 19 June 1996
- Annex 9 Amendment to ER No 4/94 of 29 August 1996
- Annex 10 Directions issued by President Chandrika Bandaranaike Kumaratunga on 18 July 1995 to ensure that the fundamental rights of persons arrested or detained are respected
- Annex 11 Prevention of Terrorism Act (PTA) of 20 July 1979, plus amendments of 15 March 1982 and 15 July 1988
- Annex 12 HRTF situation report as at 26 February 1997 on the number of detainees held under the ER and the PTA



- Annex 13 Note of 12 February 1997 from Attorney-General Silva to Foreign Minister Kadirgamar concerning major criminal cases involving human rights violations alleged to have been committed by police officers or military personnel
- Annex 14 List of abbreviations used



Annex 1

LIST OF MEETINGS

1. Meeting at the Department of Immigration and Emigration

Attended for Sri Lanka by:

The Controller of the Department of Immigration and Emigration, Mr Lakshman.

Controller since 1 December 1996, when he replaced Mr Aryasene.

2. Meeting at the Ministry of Rehabilitation (REPPIA)

Attended for Sri Lanka by:

Project Officer Mr Selvaratnam.

3. Meeting at the Attorney-General's Office

Attended for Sri Lanka by:

Attorney-General Sarath N. Silva
Deputy Attorney-General X.

4. Meeting with the Human Rights Task Force

Attended for Sri Lanka by:

Section head Mr Bakmewewa (responsible for investigation)
Section head X (responsible for the legal section).

5. Meeting with the police

Attended for Sri Lanka by:

Inspector-General of Police Mr W.B. Rajaguru
Deputy Inspector-General of Police T.V. Sumanasekara, CID
Deputy Inspector-General of Police Nizam
NIB Director Punya de Silva
CDB Director Chandra Perera
SCD Director Lewangama.



6. Meeting with the CID, the NIB and the immigration service at the airport

Attended for Sri Lanka by:

Detective Inspector Edward Vitharane, CID
Detective Superintendent Clarence Motha, NIB
The head of immigration at the airport, Parakrama V. Fernando.

7. Meeting at the Ministry of Defence

Attended for Sri Lanka by:

Deputy Minister R.K. Chandrananda de Silva.

8. Meeting with the UNHCR, Colombo

Attended for the UNHCR by:

Its representative, Peter Meijer
Senior Protection Officer Gottfried Koeffner.

9. Meeting with the ICRC

Attended for the ICRC by:

The head of its delegation, Gerard Peytrignet
An assistant, X.

10. Meeting with FORUT

A Nordic aid organization operating in Jaffna since 1967. Now has projects throughout Sri Lanka.

Attended for the organization by:

Its head in Sri Lanka, Paul Henrik Kielland
An assistant, X.

11. Meeting with an international organization (wishing to remain anonymous)

Attended for the organization by:

Its head in Sri Lanka.



12. Meeting at the Swiss embassy

Attended for the embassy by:

Ambassador Maria-Luisa Caroni
Attaché Michael Morf.

13. Meeting at a western embassy (wishing to remain anonymous)

Attended for the embassy by:

Embassy Counsellor X
Attaché X.

14. Meeting at a western embassy (wishing to remain anonymous)

Attended for the embassy by:

Embassy Counsellor X
Attaché X.

15. Meeting with the Sri Lanka Foundation

Comes under the President's Office and is in part government-funded. According to the Chairman, enjoys relative independence. Mostly involved in educational projects and has been asked if it would help instruct the armed forces and the police in human rights.

Attended for the organization by:

Its Chairman, Jayadeva Uyangoda.

16. Meeting with INFORM

Gathers information and issues a monthly newsletter. Does not take on legal cases, but refers them to other organizations.

Attended for the organization by:

Sunila Abeysekera.



17. Meeting with the Centre for Society and Religion

Provides assistance in both government-controlled and LTTE-controlled territory. Involved in issues of principle, but not in individual legal cases, which it refers to other organizations.

Attended for the organization by:

Father Oswald Firth.

18. Meeting with the Centre for the Study of Human Rights

Forms part of Colombo University and hence its role is primarily educational and not monitoring or fact-finding.

Attended for the organization by:

Its Director, Deepika Udagama.

19. Meeting with the Home for Human Rights

Started up in Jaffna in 1986, but now has its head office in Colombo. Provides free legal aid for all and conducts cases under the PTA/ER and *habeas corpus* and human rights cases.

Attended for the organization by:

Its head, Sherine Xavier
A lawyer, Sajrmini Fernando
Francis Xavier.

20. Meeting with the Civil Rights Movement of Sri Lanka

Documents human rights matters.

Attended for the organization by:

A lawyer, Suriya Wickremasinghe
V. Kanapathipillai.

21. Meeting with the Movement for Inter-Racial Justice and Equality (MIRJE)

Provides free legal aid and conducts cases under the PTA/ER and *habeas corpus* and human rights cases.



Attended for the organization by:

Its Coordinator, N. Kandasamy
A lawyer, Charles Abeysekera
A lawyer, K.S. Ratnauel
A lawyer, Nadarajah Raviraj
A lawyer, Vinayagamoorthy.

22. Meeting with the Institute of Human Rights

Provides free legal aid under the PTA/ER, etc. and also takes on criminal and employment cases. Holds a legal advice surgery twice weekly, once in

Sinhalese and once in Tamil. Also arranges social activities for families whose main breadwinner is in prison and for people released after lengthy periods of detention.

Attended for the organization by:

Its head, Padmini Rajadurai
A lawyer, Navaratne Marasinghe
A lawyer, X
A social assistant, Tahirih Ayn.

23. Meeting with the Law and Society Trust

Concentrates on research and in part on lobbying. Refers individual legal aid cases to other organizations.

Attended for the organization by:

Its head, Neelan Tiruchelvam (also a Member of Parliament for the Tamil opposition TULF party)
A consultant, Sumudu Atapattu.

24. Meeting with the Association for the Protection of Tamils

Established in November 1995 by a group of Tamils from Colombo. Helps Tamils to get by in Colombo, but does not provide legal aid. Composed of "ordinary" middle-class male Tamils.

Attended for the organization by:

Justice of the Peace K. Rajapuvaneeswaran
A businessman, V. Kailasapillai
A lawyer, A.R. Surindran.



25. Meeting with the Family Rehabilitation Centre

Helps vulnerable groups such as widows, children and women rape victims. Has contacts with the Danish RCT (Rehabilitation and Research Centre for Torture Victims). Provides medical and psychological aid. Refers cases to other organizations for legal aid.

Attended for the organization by:

A lawyer, Desmond Fernando.



Annex 14

List of abbreviations used:

CDB:	Crime Detection Bureau
CID:	Criminal Investigation Department
EPDP:	Eelam People's Democratic Party
EPRLF:	Eelam People's Revolutionary Liberation Front
ER:	Emergency Regulations
HRTF:	Human Rights Task Force
ICRC:	International Committee of the Red Cross
LTTE:	Liberation Tigers of Tamil Eelam
MIRJE:	Movement for Inter-Racial Justice and Equality
MP:	Member of Parliament
NGO:	Non-governmental Organization
NIB:	National Intelligence Bureau
PLOTE:	People's Liberation Organization of Tamil Eelam
PTA:	Prevention of Terrorism Act
REPPIA:	An authority coming under the Ministry of Rehabilitation
SLIA:	Sri Lanka immigration authority
STF:	Special Task Force (a police unit)
TELO:	Tamil Eelam Liberation Organization
TULF:	Tamil United Liberation Front, a legal opposition party
UNHCR:	United Nations High Commissioner for Refugees