

March 12, 1991

HUMAN RIGHTS IN SRI LANKA AN UPDATE

Introduction

As the killing of Deputy Defense Minister Ranjan Wijeratne on March 2, 1991 underscores, the Sri Lankan human rights situation is marked by lawlessness on all sides.¹ Wijeratne, who ran an often brutal government campaign against Tamil separatists, was killed together with 18 others in a car bomb explosion in Sri Lanka's capital, Colombo. It was not immediately clear which of the several parties with grievances against the minister was responsible.

Those parties include militant groups such as the Janatha Vimukthi Peramuna (JVP), a radical Sinhalese nationalist insurgency operating in the south of the country, and the Liberation Tigers of Tamil Eelam (LTTE, also known as the Tamil Tigers), the largest of numerous armed Tamil guerrilla groups fighting for an independent state in the northeast. All have committed atrocities in the course of the civil war. The government, for its part, has directly contributed to the violence by supporting, training and arming groups with a history of abuses against civilians, sometimes supporting two or more rival factions against each other, sometimes encouraging the formation of death squads composed of members of the security forces. It has engaged in a series of purges of suspected sympathizers of the various guerrilla groups, involving mass arrests, disappearances and extrajudicial executions.

The top leaders of the JVP, responsible for thousands of killings in 1988-89 of government officials, members of the security forces and citizens believed to be working with them, were shot dead while in custody in late 1989. In August 1990, after a new round of fighting between government forces and Tamil guerrillas broke out, Wijeratne told the Sri Lankan Parliament, "Just as we dealt with the JVP, the scum of the South, we shall deal with this scum of the North. We got the leadership of the JVP, and I have given assurance that we will get the leadership of the LTTE."² Two months before he made that statement, however, the LTTE and the government had been in a *de facto* alliance. If the government's own abuses have served to escalate the violence in Sri Lanka, so have its continually shifting stands towards the guerrillas.

This paper is intended as a background briefing, outlining developments in both the South and Northeast and documenting human rights abuses by all parties to the conflict since the latest round of fighting began in June 1990.

Background

The current round of fighting began on June 8, 1990 when LTTE guerrillas broke a 14-month ceasefire, apparently in frustration at the government's slowness to respond to demands they had made

¹See "Continuing Lawlessness," Civil Rights Movement of Sri Lanka, December 31, 1990.

²Colombo, *Lankapuvath* (State News Service), August 11, 1990. in FBIS, August 15, 1990, p.69.

in the course of negotiations over the structure of authority in the Northeast.

Between July 1987 and April 1989, that part of Sri Lanka had been under the control of an Indian Peace-Keeping Force (IPKF), sent in by then Indian Prime Minister Rajiv Gandhi, ostensibly to disarm the LTTE and other militants, stop the carnage against the Tamils and try to end the war. The IPKF itself proved to be abusive and unpopular and made its own contribution to continuing instability by supporting a rival Tamil faction, the Eelam People's Revolutionary Liberation Front (EPRLF) against the LTTE. As the presence of the Indian troops became an increasing political liability for the Sri Lankan government, the latter began negotiating with the LTTE. According to reports, Indian officials even claimed to have evidence that the Sri Lankan government had supplied arms to the LTTE to force the Indian peacekeeping force to withdraw. This accusation was repeated by members of the EPRLF and was reported by the international and Sri Lankan press.³

The LTTE entered into negotiations with the government in April 1989 and by June, they had declared a ceasefire with government security forces. Fighting continued, however, between the LTTE and IPKF. By July, both the LTTE and the Sri Lankan government had demanded the withdrawal of Indian troops. In September, the Indian Government agreed to withdraw its troops, and by the end of 1989 the IPKF had withdrawn from all but two northeastern districts, Trincomalee and Jaffna.⁴ As they withdrew, the LTTE began to take over primary responsibility for policing the Northeast. They collected taxes, established checkpoints, and systematically exterminated members of rival Tamil groups who had been supported by the Indian army.

Besides demanding immediate withdrawal of the IPKF, the LTTE advocated the dissolution of the now-defunct North-East Provincial Council and the holding of new elections. The Council had been controlled by the LTTE's main rival, the Indian-backed Eelam People's Revolutionary Front. The LTTE also demanded the repeal of the Sixth Amendment to the Sri Lankan Constitution which bars political groups from advocating separation. None of these demands had been met by mid-1990, when the fighting resumed.

In March 1990, the last Indian troops finally left Sri Lanka. Most of the EPRLF leadership fled the Northeast as a result, fearing an LTTE backlash with some justification: several EPRLF leaders were subsequently assassinated by suspected LTTE members. There was to be a brief respite before fighting resumed.

End of the Ceasefire in the Northeast

LTTE guerrillas broke the 14-month ceasefire on June 8, 1990 when they opened fire on a military convoy in Vavuniya which had ignored their orders to stop. A corporal was killed and nine soldiers were wounded. This was the first in a series of escalating attacks against police and military personnel which left hundreds dead and effectively ended negotiations between the LTTE and the Sri Lankan government. Within a week the government had declared war on the LTTE. The result of the war has been human suffering on an almost incalculable scale. It is estimated that between June and September 1990, more than one million people were displaced by the fighting in the Northeast, as of January 1991, over 210,000 had fled to South India and more than 5,400 were killed. The World Council of Churches released a report on October 12, 1990, which concluded that 17,000 civilians had been injured by fighting in the Northeast and that perhaps 900 had been arrested and were still missing. The US State

³ *Agence France Presse*, August 25, 1989 in FBIS August 29, 1989; and *Agence France Presse*, August 28, 1989, in FBIS August 28, 1989.

⁴ Amnesty International, "Sri Lanka: Extrajudicial Executions, 'Disappearances' and Torture, 1981 to 1990." AI Index: ASA 37/21/90, p.7.

Department estimated that "over 1,600 noncombatants were killed in the northeast and adjacent areas between June 11, 1990 and the end of the year," but noted that the figure is based on government and press reports and is "probably low."⁵

The fighting escalated within days of the attack on the convoy. On June 10, after a fight ensued over police mistreatment of a civilian, 300 LTTE members surrounded the Batticaloa police station and occupied it. The next day, the LTTE ordered all police personnel in eastern Sri Lanka and their families to vacate police stations in the region by 2:30 pm that day. Hundreds of policemen and their families took refuge in army and air force camps. The LTTE attacked an army convoy in Kalmunai, killing 10 soldiers and attacked police stations in Kalmunai and Kalawanchikudi where fighting reportedly left eight policemen and two LTTE members dead and 17 wounded before the police surrendered. Most other police stations surrendered without a fight and by the end of the day, the LTTE controlled police stations in Akkaraipattu, Batticaloa, Eravur, Kalawanchikudi, Kalmunai, Samanthurai, Valaichchenai and Vellaveli.

Two policeman, Piyeratna Ranaweera and Alm Tahir, who escaped from the LTTE, said that they and a hundred of their colleagues from Kalmunai police station were abducted, forced to lie face down with wrists bound, and then shot. Ranaweera and Tahir escaped with injuries. Both men reported that they passed out and awoke in a heap of bodies. Tahir added that as he hid in the jungle, he saw LTTE cadre return to the site with tires and fuel to burn the bodies.⁶ The LTTE appeared to mete out different treatment to their captives according to their ethnic group. According to local sources, 105 Muslim policemen from Komary, Akkaraipattu and Attalachchenai were also killed. According to reports, the Tamil policemen who were abducted in June were soon released, although six were reportedly killed either by other police officers or by the army and a senior Sinhalese police official and his wife who were reportedly held by the LTTE in a house in Tambiluvil were released. Altogether 800 policemen surrendered to the LTTE in June. More than 200 were presumed dead and hundreds were still missing as of January 1991. Although many are presumed dead, some are in LTTE custody and a few have been released. On January 10, representatives of the International Committee of the Red Cross were permitted to visit 43 policemen who have been in LTTE custody since June 1990. One prisoner was reportedly released for medical treatment as a result of the ICRC visit.⁷

The LTTE attacks were not confined to Sri Lanka. On June 20, twenty men armed with AK-47 assault rifles attacked an apartment block in Madras, India, where exiled EPRLF Secretary-General Kandaswamy Pradmanabha was living. Fifteen were killed including Pradmanabha and V.K. Yogasangari, an EPRLF partisan and member of parliament for the Jaffna district and P. Kirubakaran, Finance Minister for the North-East Provincial Council. Following the attack, Indian police arrested 396 Sri Lankan Tamils suspected of involvement in militant groups, ostensibly for their own protection. Most were members of the EPRLF who had fled Sri Lanka when the Indian Peace Keeping Forces pulled out and the LTTE gained control of the Northeast. Chief Minister of Tamilnadu, Karunanidhi and Tamilnadu's Director General of Police, P. Dorai, accused the LTTE of the attack.⁸

⁵United States Department of State, *Country Reports on Human Rights Practices for 1990*, p.1636.

The department estimates that there were 2,600 noncombatants killed in 1990 throughout Sri Lanka, again based on government and press reports. It should be noted that there is very little press coverage of events in the northeast and reliable figures are almost impossible to determine.

⁶*Los Angeles Times*, June 19, 1990.

⁷Amnesty International, "Sri Lanka: Summary of Human Rights Concerns during 1990," ASA 37/02/91.

⁸These killings came a little over a month after the murders of Yogasangari's colleague, Sam Thambimuttu, a member of

Massacres of Muslim Civilians⁹

By July 1990, the fighting had extended to Muslim areas of the Northeast. Muslims may have become targets because of their ambiguous political relationship to Hindu Tamils in the region. Many Sri Lankan Muslims are Tamil speakers but have business and family ties outside the Tamil regions of Sri Lanka and more extensive contact with Sinhalese Sri Lanka, they may thus be perceived by the LTTE as a political threat to Tamil solidarity in the Northeast.

Since July, hundreds of Muslims, as well as Sinhalese, Tamil and other civilians, have been killed by unidentified attackers. The Sri Lankan government and various political party leaders attributed the killings of Muslim and Sinhalese civilians to the LTTE, a charge the group has repeatedly denied. Some civilians from the areas where the killings occurred, many of them Tamil-speakers themselves, have blamed the LTTE for the killings; others are less sure, claiming to have heard both Tamil and Sinhalese spoken during attacks. Many Tamil civilians have been killed in what appear to be retaliatory attacks by Muslims.

After the massacres of Muslim civilians began in July, the government, at the urging of Muslim leaders, implemented a plan to train and arm "home guards" to protect their communities. A number of retaliatory killings of Tamil civilians were reported following attacks on Muslim villagers. Local reports have linked the home guards to some of these attacks. In a November 15 press conference, reported by the State News Agency (*Lankapuvath*) Defense Minister Wijeratne renewed his pledge to support the home guards, announcing that 500 additional men, trained by security forces, would be deployed to protect Muslim villages. At the same news briefing, Wijeratne admitted that the security forces had "deployed" members of the EPDP (Eelam People's Democratic Party) and TELO (Tamil Eelam Liberation Organization), rival Tamil groups, against the LTTE and that the government would begin using them more extensively as protection for Tamil villagers *against* the Muslim home guards. These rival Tamil forces have been accused of carrying out extrajudicial executions. On October 25, AFP reported that "Gunman believed to be from a rival group killed five LTTE rebels Thursday and dumped their bodies near Batticaloa."

On July 13, in a massacre attributed to the LTTE, 168 Muslims returning from Colombo to their home village in eastern Sri Lanka were reportedly abducted, robbed, hacked to death and burned in Kurukkalmadam in Batticaloa District, according to M.M.A. Kalam, spokesman for the Sri Lankan Moslem Congress (SLMC)¹⁰. According to government and press reports, another 35 Muslims were waylaid and killed at Ondachchimadam, between Kalmunai and Kalawanchikudi on July 14. Both incidents are believed to be in retaliation for reports of Muslim collaboration with government security forces in the killing of Tamils in Amparai District soon after the killings of police on June 11 and were attributed to the LTTE.

Two attacks on mosques were reported on July 24 and 28. In the July 28 attack, at least five and possibly as many as ten worshippers were reportedly killed in a mosque in Samanthurai, 25 miles east of Batticaloa.¹¹ According

parliament for the Batticaloa district representing the EPRLF, and his wife Kala, who were shot in their car in front of the Canadian High Commission in Colombo. In May Yogasangari publicly accused the LTTE of the killing of Thambimuttu and his wife and of operating a hit-squad in the Colombo area to eliminate political opposition.

⁹What follows are accounts taken from press and other sources which indicate the level of violence and pattern of human rights violations characteristic of Sri Lanka in the last year. It is by no means a comprehensive list. Given the nature of the fighting and often deliberately vague or misleading information provided by parties to the conflict, exact figures are difficult to determine.

¹⁰ *Agence France Presse*, July 14, 1990 in FBIS July 16, 1990.

¹¹ *Agence France Presse*, July 29, 1990 in FBIS July 30, 1990.

to local reports, the July 24 attack on another mosque in Batticaloa district left four dead.

In eastern Akkaraipattu in Amparai District, on July 30, 17 Muslims farmers suspected of siding with government troops were abducted and 14 of them killed by unidentified attackers accused by Muslim leaders and military spokesmen of being LTTE members. They reported that the 14 victims were taken to the jungle, "had their hands tied with strips of cloth torn from their shirts, were made to lie down and then were shot by the rebels."¹²

On August 3, suspected LTTE members attacked two mosques in the village of Kattankudi in the Batticaloa district of eastern Sri Lanka. The two mosques, Meera Juma and Hussania, were conducting evening prayers when the militants, wearing clothing commonly worn by Muslims, stormed the worshippers, firing machine guns and throwing grenades. Some 140 people were killed in the attack, 125 were wounded.¹³

The bodies of 18 Muslims were found hacked to death in Amparai District on August 5. They are thought to be 18 of the 40 Muslims abducted in Mulikkulam, the day before. SLMC spokesman M.H. Ashraff told reporters on August 6 that the LTTE had issued a handwritten ultimatum on LTTE stationery to all Muslim villagers in the area around the village of Alindamadu, where Sunday's killings took place, to vacate their villages by August 10 or "the fate that befell the Muslims at Kattankudi will overtake them."¹⁴ Since then, there have been a number of attacks on Muslim communities, some with horrifying results.

According to Sri Lankan state radio, another 33 Muslims were reportedly killed by LTTE members while they were harvesting paddy in Amparai District on August 6 and local sources report that 51 Muslims were killed in Akkaraipattu and Addalachchenai on August 7. A curfew was declared in Trincomalee on August 8 as a result of the violence.

The LTTE is accused of killing hundreds of Muslim civilians in the late evening and early morning hours of August 11-12. Attackers wielding knives, guns and grenades massacred nearly 200 people in Saddam Hussein, Pooaikadu and Kalawaichanai villages near Eravur, a predominately Muslim town in Batticaloa District. Foreign journalists and Sri Lankan press accounts report that the LTTE, who have denied responsibility for the attacks, stormed the village, throwing grenades into the homes of sleeping residents, dragging them out and killing them. According to the government's final count, 115 men, 27 women and 31 children were killed in the attack.¹⁵

Observers link these killings to the August 10 announcement by the Defense Minister that 100 Muslim youths had been inducted into the volunteer service of the Sri Lankan army. Mahalingam Savajilingam, a leader of TELO (Tamil Eelam Liberation Organization) told reporters the attacks on the night of August 11-12 were carried out by the LTTE in retaliation for the killing of 33 Tamils, including eight Eravur Hospital patients by Muslims using government-supplied weapons.¹⁶

On August 12, suspected LTTE members attacked Muslim farmers working in a paddy field in Veeracholai, in

¹² *Agence France Presse*, 31 July 1990, in FBIS, August 1, 1990.

¹³ *Agence France Presse*, August 4, 1990 in FBIS August 7, 1990.

¹⁴ *Reuters*, August 6, 1990.

¹⁵ *Far Eastern Economic Review*, August 30, 1990 p.19.

¹⁶ *New York Times*, August 13, 1990.

the Sammanturai area. *Lankapuvath*, the state-owned radio network, reported that four people were killed in the knife attack and 10 others injured.¹⁷ Later, local sources reported that only two Muslim farmers were attacked and that they were injured, but not killed. The incident resulted in a rash of retaliatory attacks on Tamils which have been attributed to Muslim home guards.

The Defense Ministry issued a statement on September 23 that in the previous 24 hours violent clashes between Muslims and Tamils in the village of Pudukkudiyiruppu, 12 miles South of Batticaloa left 12 people dead and six injured.

Agence France Presse reported that on October 11, nine Muslim civilians were killed by unidentified assailants suspected to be LTTE members and their bodies were dumped by a roadside in Pottuvil in Amparai District. Amparai has been the scene of some of the worst violence in eastern Sri Lanka.

Reprisal killings of Tamil civilians

The attacks on Muslim civilians spurred retaliatory attacks on Tamil communities. While some of these attacks may have been spontaneous acts of communal violence, many appear to be attributable to government-supported Muslim home guards. There have been allegations that some of these attacks took place with the knowledge or even the participation of Sri Lankan security forces and the local police.

Sources in Sri Lanka report that on August 4, 1990, the day after the Kattankudy massacre of Muslims villagers, more than 40 Tamils were killed in the village of Thirakkeni in Amparai District.

On August 8, according to press reports, 49 Tamil civilians in eastern Oluvil were killed by unidentified attackers who appeared to be Muslims in retaliation for the killings which took place in Kattankudi on August 3.¹⁸

Reportedly in retaliation for the knife attacks on Muslim farmers in Veeracholai on August 12, a group of Muslims attacked a Hindu temple in the area, killing 21 Tamil refugees and wounding 30.¹⁹ According to local sources, Muslim home guards from Sammanthurai arrived in the village around 9:00 am. These guards were not strangers, but local people well-known to Tamils in the area. When the shooting started witnesses thought the guards were firing into the air but panicked when they saw dead bodies and ran for the temple, where several thousand gathered. The home guards were kneeling in firing position and shooting into the crowd. They then surrounded the temple, placed their guns on a low wall and fired. The attackers broke down the temple gate and attacked the crowd with scythes. Some witnesses alleged that government security forces known as STF (Special Task Force) members, who arrived about an hour after the attack began, beat two of the attackers who were apprehended by refugees and that these men claimed to have been armed by the police. The same accounts report that when victims of this attack were brought for treatment, a Muslim soldier, Lateef, and several followers took over Amparai hospital, harassing and threatening Tamil patients, preventing hospital staff from treating them and abducting several.

On August 14, the *New York Times* reported that "about 85 Tamil villagers" were killed and another 100 or so were injured when a mob believed to be Muslims attacked the villages of Chenkalady and Kudurippu in Batticaloa District with knives and axes on August 12. The attacks were apparently in retaliation for the August 11-12 killings of

¹⁷ *Lankapuvath* (state radio), August 13, 1990 in FBIS August 15, 1990.

¹⁸ *Agence France Presse*, August 9, 1990.

¹⁹ *Lankapuvath*, August 13, 1990, in FBIS August 15, 1991.

Muslims in Eravur. Residents in Batticaloa told journalists that houses were also set on fire.²⁰ The Sri Lankan press quoting TELO sources also reported a large number of killings in Chenkalady. The government later claimed that these reports were false, but no further explanation has been given. Other groups have been working for some time to independently confirm the killings and report that a large number of Tamils were indeed killed in these villages and that most of the surviving Tamil residents had scattered, making compilation of exact numbers difficult. Given the large amount of press surrounding the massacre of Muslims at Eravur and the fact that the government flew Muslim leaders from Colombo to the scene, some observers suggest that the story of the massacre at Chenkalady was squelched for propaganda purposes. Videotaped footage of damaged houses in Chenkalady was reportedly shown on German television soon after the attacks.

According to local sources, on September 20 following the killing of 4 Muslim fishermen at sea, Muslim home guards killed about 17 Tamils in Puthukudiyiruppu.

On February 20, 1991 according to a *Reuters* report, eight people were killed and 14 were injured in Saddam Hussein village near Eravur in Batticaloa District, after two Muslim civil police were reportedly killed by the LTTE. In retaliation Muslim villagers stopped a bus carrying Tamil passengers. Several people were shot and hacked to death and the bus was set on fire.²¹

Killings in the Kuravar (Gypsy) Community

The Kuravars are not Tamil, Sinhalese or Muslim, but a separate ethnic group. A Telugu-speaking tribal minority who were traditionally nomadic, Kuravars worked as snake charmers and soothsayers. In the 1950s some of the Kuravars were organized into an agricultural community in Alikampai, near Akkaraipattu by Roman Catholic priests. This community eventually converted to Catholicism and began to worship in Tamil, although Telugu is still spoken at home.

Perhaps because of their extremely low caste status, they have had little connection with Tamil (Hindu) militant groups, but have had a working relationship with Muslims in the area. Besides raising their own crops, the Kuravars of Alikampai worked as laborers for Muslim cultivators and as watchmen in their sugar cane fields. Despite this relationship, local sources report that after the LTTE attacked some Muslims in early August near Akkaraipattu, on August 7 at around 11:00 am, a large group of Muslims, including Muslim home guards, many of whom were known to the Kuravar community, arrived in Alikampai on tractors and other vehicles. In an attack which lasted about two hours, seven people were reportedly killed; 12 others were injured. The rest of the community fled to Kalliyantivu near Tirukkovil as refugees. It is unclear why the Kuravars were attacked in retaliation for the actions of the LTTE. It may have been that out of anger over the attacks on Muslims, the Kuravars' neighbors lashed out at the closest non-Muslim group.

Massacres of Sinhalese civilians

Reports of killings of Sinhalese civilians began to appear in the Sri Lankan press in late July. *The Island*, the main Colombo daily, reported on July 27th that 37 Sinhalese had been killed along the border areas.

About 57 Sinhalese villagers were reported killed in two separate attacks in the Northeast on August 7-8. At

²⁰ *New York Times*, August 15, 1990.

²¹ *Reuters*, February 21, 1991.

least 30 villagers in Bandaraduwa in eastern Amparai District were killed by suspected LTTE members wielding swords and axes on the night of August 7. 25 bus passengers were shot to death on the road between Morawewa and Horowpatana in the North Central Province the next morning.²²

On August 10 *The Island* reported the killing of 8 Sinhalese civilians in a railway colony in Nawagama, a village 12 miles south Vavuniya. Most of the victims were refugees from Vavuniya, one was a railway employee.

According to press accounts 23 Sinhalese villagers were killed in northwestern Sri Lanka when unidentified attackers stormed the fishing village of Vellamandil in northwestern Puttalam at dusk on September 20. "According to six survivors the attackers, all dressed in black uniforms, used automatic weapon, swords and knives to kill their victims." A military spokesman told reporters that "The attackers are probably LTTE men because no other armed group is operating in the area"²³, but there has been no independent confirmation.

About 20 armed men reportedly attacked the Sinhalese village of Omarkada in the Weli Oya area on the northeast border on September 22 and killed three people, a mother, father and son who were working in the fields. Two daughters escaped unharmed.²⁴

On October 25, according to an AFP report, unidentified gunman suspected to be LTTE members raided a predominately Sinhalese village in Pulmoddai in Trincomalee District, killing four civilians and escaping before security forces arrived. The same wire story also reported a massacre of 10 Sinhalese civilians outside the northern province borders on October 23.²⁵

On January 3 1991, 27 Sinhalese civilians were killed when, according to press reports, 300 members of the LTTE stormed the village of Bogamuyaye in eastern Amparai district. Police and army checkpoints were also attacked and Sinhalese homes were burned.²⁶

Abuses by the Sri Lankan security forces

If the LTTE initiated this latest round of fighting, the security forces have been equally responsible for abuses. Some civilian deaths have been attributed directly to the army and police; others have been linked to vigilante groups. Since June 1990 there have been numerous reports of arrests, torture and killings of young Tamil men by the security forces. Tamil refugees who have fled Sri Lanka have told foreign journalists wrenching stories of the torture and horrible mutilation of young family members by Sri Lankan soldiers. Reports of disappearances, necklacing (burning live victims in tires) as well as tires being used to burn corpses are numerous. Many homes and businesses have also been destroyed by fire. Amnesty International reported in September 1990 that since the Sri Lankan army regained control of Batticaloa in June, they estimated that over 400 people had disappeared from that district alone, following

²² *Delhi Domestic Service*, August 8, 1990, in FBIS August 9, 1990.

²³ *Agence France Presse*, September 20 and 21, 1990.

²⁴ *Agence France Presse*, September 23, 1990 in FBIS, September 25, 1990.

²⁵ *Agence France Presse*, October 26, 1990 in FBIS October 30, 1990.

²⁶ *Reuters*, January 23, 1991.

detention by security forces. Although some may have been released, many are feared dead. In Batticaloa, "Piles of burnt bodies have appeared in various places overnight, when only the security forces are likely to be out on the roads."²⁷

On June 19, according to family members in the US who contacted Asia Watch, members of a Sri Lankan army patrol entered the home of a Tamil family in Kaluwanchikudi, about 20 miles south of Batticaloa, rounded up two men and two women, shot both men and threw acid on the women, leaving them to die. A sister of two of the victims, who happened to visit the house during the incident, was ordered away by Sri Lankan soldiers. She returned the next day accompanied by an older woman to find the house surrounded by soldiers, who told her that her family had been released. She returned the following day with her husband and was told the same thing. The next day a neighbor came to her with news that the soldiers had left. She returned to the house and found the four victims. According to relatives, the family was not aligned with any particular faction.

Asia Watch has also heard reports from Batticaloa and Kalmunai of killings of Tamil civilians by newly re-assembled pro-government vigilante groups similar to those responsible for the purge of the JVP (Janata Vimukti Peramuna or People's Liberation Front) in southern Sri Lanka earlier this year. Tamil civilians told the BBC that the bodies of 36 Tamil civilians who had been killed by these vigilantes in late June were put into a shop which was then burned.

The member of the Sri Lankan Parliament for the Vanni District, Kuganeswaran, speaking in parliament during a debate on the motion to extend the State of Emergency for another month, reported instances of mass arrests and killings of Tamil civilians in the Batticaloa area. According to his report, over 300 Tamil youths were arrested on July 13. The next day, 22 bodies were found burning in a pile of tires. Among the victims was K. Thangavadil, Assistant Director of Planning and Implementation at the Batticaloa Kachcheri. Thangavadil was a former student of the University of Jaffna and a well-known street theatre performer.

Also on July 13, AFP reported that the Sri Lankan navy sank a small boat carrying refugees to India. Twenty-four people were killed in the attack. The same wire story gave accounts by refugees in India which claimed that Sri Lankan soldiers and squads of ex-convicts employed by the government called "Green Tigers" or "Black Shirts" were abducting young men, often torturing them or amputating their hands to keep them from fighting for the LTTE.²⁸

Their stories were echoed by refugees interviewed an American reporter who visited northern Sri Lanka in July. Having travelled by truck to northeastern Sri Lanka and then made the crossing to south India with a boatload of Sri Lankan refugees, she was able to interview numerous refugees and reports that many had family members who had been arrested and tortured by the Sri Lankan army. One man described being taken to a hospital where he found his son being tortured to death by members of the security forces. Unable to reveal that he knew the victim for fear that he too would be killed, he was forced to watch his son die.

According to press reports, the late Ranjan Wijeratne admitted to civilian casualties early in the conflict, telling reporters that a group of youths were killed in the Kalmunai area of Amparai District. According to residents in the area, some 33 bodies were found scattered by the roadside on July 11. They are believed to be young men who earlier were taken into custody by government forces on suspicion of having ties to the LTTE.²⁹

²⁷Amnesty International, *Urgent Action*, September 4, 1990.

²⁸*Agence France Presse*, July 15, 1990, in FBIS July 16, 1990.

²⁹*Delhi Domestic Service* in English 12 July 1990.

The *Associated Press* reported on August 7, that the Sri Lankan security forces executed 42 Tamil rebels believed responsible for the attacks on Muslims on August 4 and August 6. There is no indication that they were tried before their executions.

On September 21 a military spokesman reported that the army had destroyed a boat carrying three suspected LTTE members and then shot the occupants as they tried to swim to safety. There is no indication that the men were armed or engaged in combat when they were killed.

Mass arrests of young men are by no means restricted to the northern part of Sri Lanka and the justification given for recent sweeps in the South are familiarly vague. On October 10, according to police in Colombo reportedly rounded up and arrested about 200 Tamil youths because they arrived in Colombo from the Northeast "with ulterior motives."³⁰ Observers report that many of the hundreds of young Tamil men detained in Colombo since June are still missing.

Southern universities, still recovering from the disappearance of thousands their Sinhalese students during the purges of suspected JVP sympathizers last year, are now losing Tamil students as well. Young men have disappeared in large numbers from universities throughout the country. On July 16, according to local observers, a Tamil language paper reported seven engineering students from Jaffna who were travelling by bus to the University of Peradeniya to take exams disappeared following their arrest at the Dambulla police checkpoint. The Chancellor of the University was informed of the arrest the next day, although Dambulla police now deny the incident. Another student who remained unobserved on the bus reported that he saw the students taken by the army. 50 other engineering students who travelled by train to Peradeniya the same day were assaulted by police. Two assistant lecturers in engineering also from Peradeniya University, both Batticaloa Tamils, were also reported missing in late June.

Sources in Sri Lanka report that on or about August 8, 27 Tamil civilians travelling between Chavalakkadai and Kalmunai were killed by security forces at Chavalakkadai junction.

On August 10, after a bus was reportedly attacked near Beliatta in southern Sri Lanka and a police officer was shot at, two houses nearby were burned down, four burned bodies were found in the area and mass arrests of young men were reported in Hambantota and Lunugamvehera. On August 5, the Commissioner of Rehabilitation announced that more than 2000 youths had been released from rehabilitation camps throughout the country. Local observers speculate that some of these youths may have been among the victims of these extrajudicial killings.

Family members in the US who contacted Asia Watch report that **Father Eugene J. Hebert, a Jesuit priest who has spent the last 41 years in Sri Lanka, and **Bertram Francis**, a young Tamil student, disappeared on August 15 on their way to Batticaloa from Valaichchenai. They were travelling by motor scooter to meet with Muslims from the villages in Batticaloa where recent massacres have taken place. They were last seen by a Red Cross worker about 12 miles north of Batticaloa, near Wantharamulai at 8:30 am on August 15. Security forces in the area report no knowledge of their whereabouts or information surrounding their disappearance despite the fact that the army had regular checkpoints along the road. It is feared the army may be responsible.**

Father Hebert is the Director of the Eastern Technical Institute in Batticaloa where Bertram Francis is a student and has been an active member of the Batticaloa Peace Committee. Amnesty International reported that starting in June 1990 Father Hebert had "made regular representations to the security forces on behalf of people in the

³⁰ *Agence France Presse*, October 11, 1990 in FBIS, October 12, 1990.

area who had "disappeared."

According to Sri Lankan press reports, Father Hebert's disappearance is the second incident involving priests in Batticaloa District since mid-July. Army sources alleged that the Reverend Father Ambrose was attacked by a mob of angry Muslims over an injured child in Kattankudy on July 18 and rescued by Sri Lankan soldiers.³¹ Father Ambrose had reportedly volunteered to search for Muslims thought to have been abducted by the LTTE in Kurukulmadam. Given this information, it is difficult to explain why he might have been attacked by Muslim villagers.

Kumaraguru Kugamoorthy, a program producer for the Sri Lanka Broadcasting Corporation and a National Committee member of the Movement for Inter-Racial Justice and Equality (MIRJE) disappeared following his abduction in Colombo on September 6. Witnesses report that Kugamoorthy was on his way home from work when a group of unidentified men, one of them wearing a khaki uniform, stopped him, forced him off his motorcycle and into their jeep.

Repeated appeals to authorities by relatives, friends and human rights organizations to investigate Kugamoorthy's abduction have been unsuccessful. On September 22 officials from the Criminal Investigation Division (CID) responded to their queries, denying that they held Kugamoorthy in custody. Police Headquarters in Colombo responded on September 24, also denying any knowledge of his whereabouts.

Reports indicate that government and the LTTE are guilty of similar large-scale abductions of Tamil civilians in the Northeast. According to the US State Department,

"Credible reports indicate that the security forces rounded up large groups of Tamils and that many suspects were summarily executed. In one case, credible sources report that over 100 Tamils disappeared after being taken from a refugee camp in the east in early September..."³²

On September 10, according to a spokesman for the ENDLF (Eelam National Democratic Front), the LTTE abducted 200 Tamil youths from a boys camp near Batticaloa and killed many of them. A military official from Batticaloa confirmed the disappearances but could not confirm the killings.³³

Amnesty International reported that on October 29, **E.N. Karunapala** of Epaladeniya, Kuliypitiya in Karunelgala District disappeared following his detention by a group of unidentified armed men. According to the report, police had come looking for him on several previous occasions and had harassed members of his family, saying that he was a suspected JVP member.³⁴

When police came to Karunapala's home on October 8 and found he was not there, they took his six-year-old son Tilina Roshan and held him at the Kuliypitiya police station and on October 10 his brother-in-law was killed in Nugegoda by two armed men on a motorbike. On October 29, the day Karunapala was arrested, a group of armed men brought his son, Tilina Roshan, to the house where the family was staying near Maharagama and then arrested the entire family, including Karunapala, his wife and another son.

³¹ *The Island*, August 17, 1990.

³² *Country Reports on Human Rights Practices for 1990*, p.1633.

³³ *Delhi Domestic Service*, September 11, 1990 in FBIS September 12, 1990.

³⁴ Amnesty International *Urgent Action*, November 7, 1990.

After she and the children were released on October 31, Karunapala's wife returned to the police station with several packages of food for her husband, which were accepted. But on November 3 when she brought more, it was refused and she was told her husband was not in custody. Karunapala was held in detention for a month before authorities acknowledged his arrest.

On October 25, W.G. Siriwardena, an agricultural worker from Kandy District, was abducted by a group of armed men that witnesses recognized as police officers from Peradeniya police station

On November 13 the navy fired on a boatful of refugees near Analaitivu killing at least five. A military spokesman admitted that there were refugees killed when the navy opened fire on the boat because it failed to heed warning shots, but alleged that LTTE members in the boat forced the crew to proceed.³⁵

Since the first days of the current conflict in the Northeast Sri Lankan government statements have accused the LTTE of using civilians as "human shields" against attacks by the army, firing from within homes and hiding in heavily populated residential areas. Reports from local non-governmental observers support these accusations but add that since June the army has been guilty of even more blatant exploitation, actually marching civilians with hands bound ahead of the troupes into LTTE gunfire or through minefields, sometimes forcing them to shout slogans such as "Eelam vendaam!" (We don't want Eelam!), threatening to shoot them if they try to run away or beating them.

According to reliable reports, on September 29, members of the Special Task Force (STF) reportedly rounded up four tractor loads of Tamil civilians near Thirukkivil, many from refugee camps, and took them to Kanjikudichcaru. Some were made to march in front of the STF forces, reportedly to clear mines, while others were held close to STF men as shields to protect their exposed side when carrying weapons. During the mission, the LTTE and the STF exchanged fire on several occasions, seriously endangering the hostages. When the army finally reached the LTTE camp, they found food stores, supplies and refrigerators which the civilians were made to carry back to the STF camp. The refugees were allowed to keep a portion of these supplies when they were released, but this is small consolation for their humiliation and terror. Civilians now flee when the STF are sighted, often with tragic consequences.

When a helicopter chasing an LTTE van opened fire on the Chatti Church refugee camp and four of the 1500 people housed there were killed, refugees fled to the Chatti Mosque. Elders there successfully turned away army personnel who tried to take non-Muslims hostages to use as shields, but as the army moved towards Mandaithivu, they arrested nearly 500 civilians from other refugee camps. The refugees were forced to march in front and behind the army, sometimes with their hands chained together in threes. Some were forced to walk for several days without food before finally being left at a makeshift refugee camp, others were released along the way and made their way home or to camps through extremely dangerous territory, dodging abusive soldiers and the LTTE, with little food or water.

There have been numerous reports, some confirmed by government spokesmen, of civilian casualties as a result of army bombings of residential areas near LTTE hideouts, particularly in Jaffna. On June 28, the late Deputy Defense Minister Ranjan Wijeratne admitted that army bombing and strafing had killed an unknown number of civilians, attributing the deaths to pilot error. In addition Sri Lankan army helicopters have done untold damage to private property and institutions which provide essential services to the residents of Jaffna.

A statement released by a clergyman read,

"Several of us came out of the Bishop's House after a meeting on the 14th of July, when aircraft

³⁵ *Agence France Presse*, November 16, 1990 in FBIS, November 16, 1990.

appeared and proceeded to bomb. Several bombs were dropped in places far apart. A bomb apparently aimed at a house near the OLR church, once occupied by the LTTE, flattened the Bible Centre adjoining Main Street. A bomb aimed at the Jaffna Kachcheri, already vacated by the LTTE, fell near the Boy Scouts' HQ. Six civilians were killed on that day. The single LTTE casualty had nothing to do with the bombing. That was caused by the overturning of an LTTE vehicle."

Citizens groups, the Catholic Church and local officials in the Northeast have appealed to the Sri Lankan government to put an end to the indiscriminate bombing of crucial non-military targets such as hospitals, power plants, bus and train stations. According to their reports, these attacks left northeastern Sri Lanka virtually paralyzed, and contributed to near-famine conditions in already strained refugee camps. Electricity was cut off in Jaffna in mid-July when the main power grid for the region was bombed, making the storage of perishable medicines impossible and pumps which provide water for drinking and bathing inoperable. The power supply in other districts of the Northeast was sporadic at best, and there too, observers report serious shortages of food, water and medical supplies.

Few foreign journalists have ventured into northeastern Sri Lanka since mid-June and those who have witnessed extremely dangerous conditions. They describe mined roads and attacks by army helicopters on virtually any moving vehicle, including boats filled with refugees, cars and trucks carrying wounded civilians and people on bicycles carrying supplies into town.

These conditions have made it difficult for the people of the area to maintain contact with the outside world. There are a few individuals however, who continue to monitor human rights conditions in their communities and who have managed to relay the information to outsiders, risking arrest or even death for their activities. Two of these accounts which the authors chose to release publicly appear in Appendix I.

Attacks on Freedom of Expression, Assembly and Association

Freedom on expression is one of a number of rights restricted by current emergency regulations. These regulations are renewed monthly, when the state of emergency is extended by parliamentary vote, and have been in effect since 1983. While some regulations were lifted in 1990, other new regulations which curtail freedom of expression and association were implemented.

In January 1990, the government imposed a new regulation which forbade "political" or "disruptive" activities in schools and workplaces and a number of students were expelled from university hostels for "disruptive" behavior. Under this same regulation, the government prohibited public meetings "likely to cause a disturbance to public order and promote disaffection."³⁶ In April, this section of the emergency regulation was lifted. This was a welcome development, but the government continues to suppress free association and expression. In January 1991, for example, the government passed additional legislation which made all demonstrations against the Gulf War illegal. Peaceful meetings to discuss the Gulf situation were, in theory, permitted, but in practice, permits for such meetings were issued at the discretion of the local superintendent of police. In 1990, according to the US State Department, "permits to hold public meetings were denied in volatile situations..."³⁷

The May decision to enforce Section 16 of the Press Council Law of 1973, which bans unauthorized newspaper reporting of cabinet proceedings or decisions, marked a dramatic deterioration in freedom of expression in Sri Lanka.

³⁶ *Country Reports on Human Rights Practices for 1990*, p.1639.

³⁷ *Country Reports on Human Rights Practices for 1990*, p.1639.

Human rights proponents continue to face great danger for their activities, and several recent seizures of human rights documents make it clear that the government would prefer to silence criticism of its human rights record.

On the night of September 11, Mahinda Rajapakse, a member of the Committee of Opposition Parliamentarians for Human and Fundamental Rights, was stopped by a team of police led by Assistant Superintendent N.C. Kudahetti at the Katunayake International Airport in Colombo and forced to turn over 533 documents containing information on missing persons and 30 photographs of bullet-riddled and burned bodies. Mr. Rajapakse was planning to present the materials to a meeting of the United Nations Working Group on Disappearances in Geneva.

Another packet of documents bound for Geneva was reportedly confiscated by customs officials at Katunayake International airport several weeks ago and in June, police in Colombo were posted at public fax machines and ordered to arrest people sending "political information" (including newspaper clippings dealing with human rights issues) overseas.

Upon reaching Geneva, Mr. Rajapakse addressed the Working Group for an hour and a half, detailing human rights violations in Sri Lanka. Following his testimony the United Nations Human Rights Secretariat is reported to have telexed Colombo, requesting that the confiscated materials be turned over to them immediately. According to reports, the Sri Lankan government refused to release these documents until their inquiries proved they are not "fabrications." All but one of the documents were finally returned to Rajapakse on October 14.

Conclusion

All parties to the conflict in Sri Lanka have violated international humanitarian law governing the conduct of "non-international armed conflict," specifically Article 3 common to the Geneva Conventions of 1949. Sri Lanka has ratified the Conventions. While the LTTE and other armed groups are not, as non-governmental actors, specifically bound by the treaties among governments, their conduct is still governed by the "rules of war" set out in the Geneva Conventions.

Common Article 3, section 1, states:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who had laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.**

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;**

- (b) taking of hostages;**
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;**
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.**

It is clear that the extrajudicial executions and torture of civilians by all sides are in direct violation of the above provisions. The LTTE has been responsible for atrocities, but the government is not just an innocent victim. Its own actions, from the formation of death squads to the arming of "home guards" to the failure to investigate or prosecute human rights offenses have contributed to the violence.

The air attacks on Jaffna and the resulting civilian casualties, food and fuel shortages which were described by Jaffna residents in August 1990 have continued. Heavy bombing and shelling of the Jaffna peninsula in January and February 1991 killed countless civilians, destroyed schools and hospitals, and created thousands of new internal refugees.

The indiscriminate bombing of civilians and civilians objects such as schools and hospitals violates the customary law principle of civilian immunity and its complementary principle requiring all parties to distinguish civilians from combatants at all times. The preamble to United Nations General Assembly Resolution 2444 clearly states affirms:

... the following principles for observance by all government and other authorities responsible for action in armed conflicts:

- (a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;**
- (b) That it is prohibited to launch attacks against the civilian populations as such;**
- (c) That distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.**

Asia Watch calls on the government of Sri Lanka, the LTTE, the JVP and all other parties to respect the rules of war as a key step toward ending the carnage that has plagued Sri Lanka since 1983.

APPENDIX I

Accounts of Conditions in Northeastern Sri Lanka August 1990

The Citizens' Committee of Jaffna

On August 11 the Citizen's Committee of Jaffna sent a memorandum to President Premadasa detailing recent damage resulting from the army's bombing of strategic points in Jaffna including serious damage to two area hospitals. The group accused the army of "continuous bombings of civilian targets such as houses, business and commercial buildings, public markets and places of worship..." and urged the government to "discontinue the aerial bombing and indiscriminate shelling." In addition they appealed to the Sri Lankan government to restore food, fuel and medical supplies and to re-open the Jaffna Teaching Hospital which had been closed due to the fighting since June 11.

The hospital was finally re-opened on Tuesday, November 6 after lengthy negotiations between the Sri Lankan government, the LTTE and ICRC, but several bombings in and around the 350 meter protective zone which surrounds the hospital on November 9 have, according to an ICRC press release, seriously jeopardized their efforts. According the release, the Sri Lankan airforce aircraft which dropped both bombs had been circling above the protective zone for some time. The zone was clearly marked with the red cross emblem.

The Green Hospital in Munipay was enlisted to take over the more urgent services provided by Jaffna General Teaching Hospital after the latter was badly damaged by several bombings which left four people dead. While efforts were underway to get the General Hospital re-opened, bombs were also dropped on Munipay hospital, seriously hampering its ability to provide care.

The Citizen's Committee also reported that refugee camps at Colombogam, Tamil Maha Vidyalayam, Passayoor St. Patricks College, Jaffna and Thurkka Amman Temple, Tellipillai were bombed despite "massive efforts ...being made to accommodate and feed displaced persons."

In addition, transportation, fuel supplies and power stations were bombed repeatedly, virtually paralyzing the area. The Area Bulk Supply Station of the Sri Lanka Petroleum Corporation in Jaffna was reportedly bombed, despite the group's appeals to the government for regular supplies of petroleum products. The only power station in the northern province, the Thermal Power Station at Chunnakam had been bombed repeatedly and Jaffna has been without power since July. Transportation centers such as the Jaffna Railway Station, the Jaffna Bus Stand and the Sangupiddy and Karainagar jetties were severely damaged by aerial bombardment. University buildings and places of worship have also been damaged.

Food and medical supplies were dangerously low in the Northeast in August and the Citizen's Committee and other observers estimated that by mid-August more than one third of the total population had been displaced. The population of Jaffna is approximately 1,000,000.

As of August 10, the Committee estimated that 336,195 people were displaced within the Jaffna Peninsula, 50,098 in Mullaitivu and 61,506 in Mannar. While the Catholic Church has managed to get some supplies to

refugees in the Jaffna area, the Citizen's Committee notes that as of August 11, there were no non-governmental organizations in Mannar to care for the displaced. Access by non-governmental organizations to camps in other regions has been sporadic at best. In addition, they estimate that over 2,500 are dead or missing and 800 have been arrested. They estimate the total number of refugees in the Northeast at over 800,000.

Mullaitivu was hit hardest by the fighting, struggling to house and feed 15,021 displaced persons from Mullaitivu itself, 3545 from Mannar, Kilinochchi and Varuniya, and 32,029 from Trincomalee.

According to the release, the normal monthly food requirements for Jaffna are: 5000 metric tons of rice, 3000 metric tons of flour and 2000 metric tons of sugar, with an additional 1000 metric tons of each for displaced persons. From June 10 to August 10 Jaffna received only 287 metric tons of rice, 689 metric tons of flour and 192 metric tons of sugar -- barely enough for two normal days.

Medicine was also in extremely short supply. RDHS (a local hospital) and Jaffna General normally receive 27 truckloads or about 224 metric tons of drugs a month. Both hospitals received a combined total of 7 metric tons of emergency medical supplies from June 11-August 11. RDHS, Varuniya which also serves Mullaitivu and Mannar received no medical supplies during this 60 day period. According to reports, there have been a number of deaths due to diarrhoea and rabies in Mullaitivu, but Rabies vaccine and ORS (oral rehydration supplements) are not available.

The Role of Citizens' Committees

Local Citizen's Committees have played a crucial role in monitoring human rights conditions in northeastern Sri Lanka in recent years despite enormous risks to their members.³⁸

The case of Nimal Jayawardena, a human rights lawyer and chairman of the Kandy Citizens Committee exemplifies the dangers faced by Citizens Committee members. Jayawardena received death threats in connection with his work and left Sri Lanka in late December 1989. In January 1990, armed men who came to Jayawardena's home demanding human rights documents belonging to the Citizens Committee shot two young men who had assisted him. On February 4, his wife V.S. Wanniarachchi, and her brother-in-law, Sarath Pathirana, were arrested, reportedly by army personnel. They were later released.

In July, according to reports from the area, the President of the Kalmunai Citizen's Committee, S. Kanapathipillai, and his 24-year-old son were killed after his name was linked to reports by foreign journalists that 150 Tamils were killed and burned in Tamil shops by the army. His other son is missing.

Kanthapillai's two sons were seen being led around Kalmunai by government forces with their hands linked with wires driven through their palms. They were reportedly being asked to point out LTTE members. When this was proved unsuccessful, one son was shot, the other was badly beaten and dragged to his father's house. Kanthapillai and his remaining son were taken away and Kanthapillai was reportedly killed. The other son is missing.

³⁸ Citizen's Committees have been organized throughout the North and East to represent the interests of local people, especially before the authorities. The Committees are branches of a Colombo-based group, the Citizens' Committee for National Harmony which is an organization of both Tamils and Sinhalese dedicated to finding a peaceful solution to ethnic conflict.

Kanapathipillai was a well-known Tamil poet who wrote under the pen-name Pandiuran. He appeared publicly on behalf of the PFLT (the political party created by the LTTE) at its inception.

Asia Watch has also received reports that the President of the Valaichchenai Citizen's Committee, Jeyarajasingham was killed after he visited an army camp as an emissary of the Committee.

Jaffna Diocesan Human Development Centre Situation Report

The Jaffna Diocesan Human Development Centre issued a situation report on the Jaffna area in late August focussing on the effect of the army's indiscriminate bombing of non-military targets. The Diocese reports that in August 1990, the Sri Lankan army added a four-engined Chinese bomber that carries fragmentation bombs of more than 300 kilograms to its squadron of planes, bombers and helicopter gunships. The bombs leave craters more than 20 feet wide and 10 feet deep. This bomber was seen operating in the area from August 4 and the Diocese reports that these fragmentation bombs have been dropped on the town of Jaffna, destroying houses, property and shops.

Catholic Church property has been also been targeted. St. Patrick's College, Holy Family Convent and the Jaffna Diocese Human Development Centre have been bombed. Other observers report that the Roman Catholic Cathedral in Jaffna was also damaged by bombing and a barrel of human excreta was dropped over it from the air. This was interpreted as a reply to an appeal to President Premadasa for a political solution to the current conflict by the Bishop Deogupillai and other religious leaders.

Moving vehicles, even those carrying injured and sick patients, medical aid, emergency assistance and passengers are routinely shot at by bombers and helicopters. Boats taking refugees and provisions between islands are also targets. These attacks make supplying provisions for civilians and refugee camps very difficult. According to the Diocese release, "The fuel embargo, blockade of the Elephant Pass and Pooneryn entry points into the Jaffna Peninsula cause untold difficulties to the public."

The food supply for Jaffna should be 5000 M. tons of rice, 3000 M. tons of flour, 2000 M. tons of sugar a month (or 40 truckloads daily for Jaffna alone). Only 5% of Jaffna's population are now being served by the supplies that have reached Jaffna. People are starving.

The supply of medicine and medical aid is minimal. Most of the base hospitals in Jaffna, Kilinochchi and Mullaitivu have been bombed and cannot function. Some medical facilities were made available at Manipay but that hospital was also bombed. Hospitals and dispensaries have no refrigeration facilities to store perishable medicines and transporting patients is very difficult.

There is no electricity being provided from the main grid. The local power house is inoperable. 32000 litres of diesel, machinery, and the distribution room have been destroyed by bombing. No petroleum products or fuel of any kind are allowed into the Peninsula. There is no kerosene for water pumps or household lamps. The transportation of batteries into Jaffna is prohibited. No facilities or services that require electricity including the supply of water to Jaffna town are functional.

The situation in refugee camps is very serious. Camps and their surroundings have been bombed and there have been deaths. The camps are overcrowded and infectious diseases, particularly diarrhoea and skin ailments are prevalent. Toilet and bathing facilities are inadequate. The fortnightly government food ration has been given only twice in 60 days and did not reach all camps. No water can be supplied to camps since the pumps have been bombed. Diocese visits to camps are restricted because of fuel shortages and fear of bomber attacks.

There are 327,000 people in 396 refugee camps in the Jaffna district and people from Trincomalee/Batticaloa, Kilinochchi and Mullaitivu districts are pouring into Jaffna district. "Due to the lack of normal facilities the whole of Jaffna population could be considered refugees." They estimate that as of August 87,000 people had reached India. (The figure as of March 1991 is over 200,000.)

According to the report, "Artillery, mortar shells, bombs, grenades and gun shots are directed towards the civilian population from all sides and sources." According to the Diocese report, bunkers, which are seen by the army as evidence of LTTE occupation in residential areas, should not be taken as a sign of militant activity. They are a means of survival and are employed by many residents of the Northeast. "It is the presence of the bunkers that had minimized the civilian casualties inspite of the heavy and indiscriminate bombing of the Jaffna peninsula."

On August 22 a curfew was imposed in the districts of Jaffna, Kilinochchi and Mullaitivu which has made it increasingly difficult to get food and other supplies into the city and has caused dangerous conditions for refugees. People fleeing the area are easy prey for attacking helicopters that supervise the curfew, which was announced by leaflets dropped from planes. The Diocese report criticized the curfew, stating, "The declaration of curfew is an open license to kill civilians at will from the air..." People travel almost exclusively by foot or by bicycle and often travel up to 90 miles in search of food. Thousands of bicycles move in and out of the Peninsula night and day, carrying sacks of provisions. Hundreds of these bicyclists have been attacked and killed by helicopter gunships.³⁹

³⁹The Sri Lankan government has lifted and then reimposed the curfew on the Jaffna peninsula several times since June 11, 1990 with breaks as long as two weeks.

APPENDIX II

Update on a death squad killing: the De Zoysa case

Early in 1990 Asia Watch issued several reports on the killing of Richard De Zoysa, a respected actor and journalist who had been outspoken in his criticism of human rights violations by the Sri Lankan security forces. De Zoysa's highly publicized murder helped to focus international attention on the activities of government-linked death squads.

Eyewitnesses to his abduction report that six gunmen, two of them wearing police uniforms, arrived in a police jeep and took De Zoysa from his home on the morning of February 18. Other witnesses reported that some of the abductors were members of a special police team reporting directly to President Premadasa. De Zoysa's mother, Dr. Saravanamuttu, accuses a senior police officer whom she has positively identified as having participated in her son's abduction and has evidence which names a second officer. She has continued to press for a full inquiry into his death, despite death threats she received in May warning her away from the case. Her lawyer, Batty Weerakoon, received a similar threat and on June 22, two policemen appointed for his protection received death threats which warned them to leave Mr. Weerakoon unprotected. These threats reportedly addressed the officers by name, although their names had not been made public.

After a magisterial inquest determined that De Zoysa was murdered, the police were ordered to investigate and report their findings to the magistrate, who then called upon the Attorney General to determine whether the police investigation provided adequate evidence to charge either of the officers named in the proceedings. At the August 30 hearing the Attorney General announced that there was insufficient evidence against the police officers named by Dr. Saravanamuttu to press charges and that no action would be taken against them. Mr. Weerakoon then requested that the inquiry be discontinued. The officers in question remain on active duty and the Attorney General requested that the police continue their investigation into De Zoysa's death despite the alleged involvement by members of their ranks in the case. Attempts to press for an independent inquiry into Richard De Zoysa's abduction and murder have so far been unsuccessful, and the police officers Dr. Saravanamuttu named have brought civil suits against her for defamation. This may have been an attempt to block parliamentary debate on the appointment of a Commission on Inquiry into the case.

Although the Speaker eventually approved a parliamentary debate, the defamation suits brought against Dr. Saravanamuttu appear to have succeeded in blocking an independent inquiry. The motion for the appointment of a Commission of Inquiry was defeated on February 7, 1991. Those opposed to the motion cited the pending civil suits, claiming an independent inquiry would raise "the very matter which is the subject of pending judicial proceedings," and that since "abduction and murder are offenses under the penal code of Sri Lanka..." they should be "determined by the established courts of the country."⁴⁰

After Richard De Zoysa's death the incidence of death squad killings gradually decreased, only to increase again with reports of renewed JVP activity in the South and international attention focussed on the fighting between the LTTE and the army in the Northeast. Burning bodies, the all too familiar hallmark of death squad activity in Sri Lanka, began to appear throughout the country. According to human rights organizations in Sri Lanka and Amnesty International, there were at least twelve disappearances and many reports of burned bodies found along roadsides in Kandy District in September and October. Sources in Kandy reported in June that civilians, believed to be JVP suspects, were being held in army camps in the area and it is feared that they were killed when

⁴⁰ *The Island*, February 2, 1991.

the army moved to the Northeast. This trend continued; according some sources between 20 and 40 cases per week of death squad killings and disappearances were reported in the central Kandy area in September and October 1990.⁴¹

* * *

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News From Asia Watch is a publication of Asia Watch, an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chairman is Jack Greenberg, the Vice Chair is Orville Schell, and the Executive Director is Sidney Jones.

Asia Watch is a component of Human Rights Watch, which includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director; Kenneth Roth, Deputy Director; Holly Burkhalter, Washington Director; Susan Osnos, Press Director.

⁴¹ **"Report of Investigative Mission into Alleged Violation of Human Rights in Sri Lanka - 27 October to 4 November 1990," by Christine Oddy, MEP; Alex Smith, MEP; Bernard Dewitt, Attorney, Belgium; Corjan Schoorl, attorney, Netherlands.**

US Policy

While the Bush administration has recognized the seriousness of the human rights situation in Sri Lanka, and the US State Department's 1990 Human Rights Report includes a strong indictment of the Sri Lankan government's human rights record, the administrations overall response has been muted. Administration officials acknowledge the flagrant abuses by all parties, including the existence of government-linked death squads and the killing of civilians by security forces in the northeast. They have also called publicly for prosecution of perpetrators of death squad killings. But they have made little effort to reinforce such statements with concrete actions, such as economic sanctions.

Although US aid to Sri Lanka is only approximately \$31 million (mostly in the form of food aid), the United States nevertheless is in a position to exert economic leverage on Sri Lanka through its participation in the Sri Lanka Aid Consortium, which accounts for approximately \$1 billion in nonmilitary grants and loans. At the Consortium meeting in October in Paris, US representatives acknowledged human rights abuses by government forces as well as the LTTE, and urged the government to discipline those involved in violations -- an important step. The US refrained, however, from any effort to condition aid on an end to abuses -- a step which, in light of the severity of Sri Lankan abuses, should have been taken.

In 1989, the last full year for which data was available, the United States supported loans to Sri Lanka totaling \$172 million from the World Bank and the Asian Development Bank. Substantially more seemed to have been extended in 1990, with US support. In accordance with Section 701 of the International Financial Institutions Act, which mandates US opposition to such bank loans to governments that consistently engage in gross violations of human rights, except those that expressly benefit the poor, the US should oppose all loans to Sri Lanka that do not fall within the statutory exception.

In fiscal year 1990, the United States also provided Sri Lanka \$18.5 million in development assistance and approximately \$30 million in food aid under PL 480. The Defense Department in its FY 1991 Congressional presentation for Security Assistance estimated that licenses for commercial sales of military equipment to Sri Lanka would total an estimated \$1 million in 1990. The figures on equipment actually shipped were unavailable. According to the State Department, no new export licenses for the sale of munitions were issued during FY 1990.