

diers and policemen who flagrantly violate the rights of innocent civilians are charged before their own peers and sentenced to only months of imprisonment.

The report concludes by stating that the question of extrajudicial and arbitrary executions in Sri Lanka remains serious and is caused by, *inter alia*, the prevailing abuses against the right to life which have taken root within the internal armed conflict. The report notes that the perpetrators are the armed forces and police, LTTE members, members of opposing factions, and paramilitary organizations allegedly linked to the security forces (home guards). The recommendations in the report are placed within the general statement that peace could create the most favourable conditions for improving the human rights situation in Sri Lanka and, to that end, all parties to the armed conflict should seriously seek and negotiate a peaceful solution to the conflict.

The report recommends, *inter alia*, that:

- ♦ a mechanism be created to encourage confidence-building between the Sinhalese and the Tamils and be aimed at providing security and protection to all the people;
- ♦ the government refer to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and take all measures required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law;
- ♦ the security forces be reformed and transformed in order to allow Tamils equal access to them, and ensure that they become representative of the whole society; the recruitment policy of the army be changed to ensure Tamil representation and, further, that provision of cultural sensitivity training for soldiers be considered;
- ♦ the government strengthen efforts to coordinate the functions of all the security forces responsible for ensuring law and order; training be provided to the army and police forces, incorporating relevant international standards such as the Code of Conduct for Law Enforcement Officials;
- ♦ all elements of the police who have been involved in summary executions, massacres, or other grave violations of human rights be excluded from the national police force;
- ♦ effective action be taken by the armed forces to disarm and dismantle armed groups, especially the home guards; or, alternatively, measures be taken to place any such auxiliary force under the strict control of the security forces through, for example, a disciplinary code of conduct under a defined authority such as the army or police;
- ♦ efforts to disarm the civilian population be intensified; provision be made to enable combatants who organize themselves in political movements to participate in the democratic process without fear of reprisals;
- ♦ the government fulfil its obligation under international law to conduct exhaustive and impartial investigations into all allegations of extrajudicial, summary or arbitrary executions and torture; identify, prosecute and punish those responsible; grant adequate compensation to the victims or their families; and take all appropriate measures to prevent the recurrence of such acts;
- ♦ all necessary steps be taken to minimize the delays in bringing to trial members of the security forces suspected of committing human rights violations;
- ♦ the government, in accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, ensure that victims are entitled to access to the mechanisms of justice and to prompt redress for the harm suffered; a system of compensation for the families of victims be developed, as well as a system to protect witnesses and their families who participate in criminal investigations and give testimony;
- ♦ steps be taken to ensure that counter-insurgency operations by the armed forces are carried out with full respect for the rights of the civilian population and that, under no circumstances, the use of heavy weapons by the military against the civilian population be permitted;
- ♦ the government ensure that the necessary forensic expertise and ballistic analyses are made available throughout the country with a view to obtaining maximum evidence in each case of exhumation under investigation;
- ♦ the authorities take the necessary steps to strengthen the ordinary justice system in Jaffna, including through the allocation of the necessary human and material resources;
- ♦ the emergency regulations be revised in order to bring them into line with accepted international standards;
- ♦ the death penalty be abolished in the new Constitution;
- ♦ the government publicize the reports of the three commissions which examined the cases of alleged disappearances, and prosecuting authorities prepare cases against identified offenders; legislation for the issuance of death certificates in respect of missing persons be enacted and provincial mechanisms for implementation be established;
- ♦ the Human Rights Commission be strengthened, in accordance with the Principles relating to the status of national institutions (Paris Principles);