

Emergency Regulations and were sent on to the Deputy Inspector General of Police; following from this, the Magistrate had been unable to deliver death certificates to the families because there was no registration of the deaths, leading to a situation in which families cannot receive any compensation; the bodies of terrorists are not returned to the families; there were no records of deaths of women or children under the Emergency Regulations, all such deaths having been determined to have occurred under the normal regulations; there were no reports of cases of death while in custody; and since March 1996, no reports of mass graves in the peninsula had been received, but there was no procedure to ensure that the Magistrate would be automatically informed were such a grave or graves found.

Elements in the situation in Batticaloa are described as including: regular security incidents that sometimes resulted in civilian deaths; a general fear and great reluctance among the population to be outdoors after dark because of the low-intensity, guerrilla-style war waged by the LTTE in that region, mainly in rural areas; incidents of LTTE shelling of the city; and, mine clearance operations every morning by the Sri Lankan military on the main road leading to the city to ensure that no mines had been laid during the night.

Information provided by the Bar Association and the Additional Magistrate indicated that, *inter alia*: several cases of arbitrary arrest had been handled by lawyers; persons arrested and charged under the Emergency Regulations Act (ERA) or Prevention of Terrorism Act are not informed about the charges; during investigations the authorities present their own version of the facts, but not the version of the accused; there are repeated allegations of confessions extracted under torture with such statements written in Sinhalese, a language that the victim often does not understand; families are reluctant to claim the bodies of relatives who were executed, at least in part because relatives who want to claim the body of the victim are required to declare that the victim was a terrorist; failure to make such a declaration results in the body not being given to the family; in the first eight months of 1997, 35 cases of deaths falling under the ERA were investigated; police have the power to decide whether or not a case falls under the ERA and the right to keep the body; and soldiers convicted of rape or other crimes can be released on bail once the investigation is completed and, while on bail, transferred to other parts of the country, making it difficult to trace them and leading to a situation where they often will not report for further investigation.

The section of the report summarizing findings and concerns notes that: in areas of armed conflict, large-scale human rights violations and abuses continue and are committed by members of the security forces and paramilitary groups (home guards) which are reported often to cooperate with the security forces, as well as the armed insurgent groups (LTTE); the counter-insurgency strategy employed by the armed forces regards everyone who is known to have, or is suspected of having, links

with the LTTE as an internal enemy and, in some areas, virtually all civilians are viewed as collaborators, an allegation denied by members of the armed forces; peasants have become the main victims of human rights violations in areas where there is armed conflict; a large number of those who have dared to denounce human rights abuses committed by the LTTE have been killed by LTTE members or forced to leave their areas of residence; fear causes human rights activists and witnesses to violations to remain silent; military operations leading to the death of civilians include indiscriminate bombing of civilian settlements and armed incursions, with the victims of such measures later presented to the public as terrorists who died in combat; reports received indicated that torture is used by the armed forces with the aims of obtaining information on insurgent groups and intimidating the population; and during armed confrontation or following battles between the military and the insurgents, no prisoners are taken, with Tamil insurgents preferring to commit suicide rather than be captured by the armed forces.

The report recalls that in February 1988 the LTTE announced its intention to abide by the Geneva Conventions and the Additional Protocols and states that, despite this undertaking, reports of abuses by the LTTE against civilians have been received, including accounts of: peasants being required to provide food and money to the guerrillas and the killing of peasants who refuse; forced displacement; execution of captured members of the security forces; the targeting of former combatants who have tried to return to civilian life; the use of suicide attacks, including the use of children and women, against civilian targets; and, in some areas, the replacement of the state administration by LTTE authorities.

The commentary on violations committed by the home guards notes, *inter alia*, that: these paramilitary groups, and militia of political parties, continue to operate in the north and north-east; the groups are made up of Sinhalese and Muslim civilians who are recruited and armed by the police and given short training in the use of weapons in order to take care of their own communities, to defend themselves against extortion by the insurgents, and to protect their economic and social positions; the groups often work alongside the army and act as auxiliary forces; the security forces have never made serious attempts to restrain or control the activities of these groups, or dismantle or disarm them; reports indicate that in some areas the groups have been trained in military establishments and operate under the direct command of the armed forces; and, cooperation between Muslims and Sinhalese has provoked retaliatory action by Tamil insurgents against Muslim villagers and home guards, including abduction and murder.

Narrative on violence in the political context refers to a number of points, including that: most, if not all, of the political party leaders have their own private armed security guards; all 225 members of Parliament are authorized to have up to eight armed security guards; and the 300 provincial counsellors are authorized by the Ministry